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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1990/79

GE.91-10587/2898B

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INTRODUCTION

1. At its forty-sixth session, the Commission on Human Rights decided, by its resolution 1990/79 of 7 March 1990, to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to submit an interim report to the General Assembly at its forty-fifth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and a final report to the Commission at its forty-seventh session. By its decision 1990/243 of 25 May 1990, the Economic and Social Council endorsed that resolution.

2. Previously, the General Assembly had decided, by its resolution 44/163 of 15 December 1989, to continue its examination of the situation of human rights in the Islamic Republic of Iran during its forty-fifth session in the light of additional elements provided by the Commission for Human Rights and the Economic and Social Council.

3. In response to General Assembly resolution 44/163 and Commission on Human Rights resolution 1990/79, the Special Representative presented his interim report (A/45/697) to the forty-fifth session of the General Assembly. By its resolution 45/173, the General Assembly took note with appreciation of the reports by the Special Representative presented in 1990, including the observations contained therein, noted with concern the allegations of violations of human rights contained in these reports, and further noted that the Commission on Human Rights would consider the situation of human rights in the Islamic Republic of Iran at its forty-seventh session and would refer the question, as appropriate, to the General Assembly at its forty-sixth session.

4. In compliance with paragraph 14 of Commission resolution 1990/79, the Special Representative submits herewith his final report to the Commission. This report updates the situation as reflected in the interim report on the basis of information that the Special Representative continued to receive from October 1990 to January 1991. Such information includes replies received from the Iranian Government to allegations transmitted to it by the Special Representative during the entire year; it was, therefore, necessary to reproduce at least in summary form the contents of these allegations so that the answers of the Government can be properly assessed. The account on the second visit, which the Special Representative made to the Islamic Republic of Iran from 9 to 15 October 1990 (A/45/697, chapter IV) and the observations of the Government on that visit, are also reproduced as chapter III of the present report. However, due to the length of the present report, the appendices III and IV of the interim report have not been reproduced and may be consulted in document A/45/697.

5. The structure of this report follows previous patterns and is accordingly divided into four chapters, plus an introduction: I. Communications between the Government of the Islamic Republic of Iran and the Special Representative since the interim report to the General Assembly; II. Information received by the Special Representative; III. Report on the second visit to the Islamic Republic of Iran; IV. Conclusions and recommendations. As in previous reports, various annexes are attached containing information on events and allegations referred to in the main body of the report.

I. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE SINCE THE INTERIM REPORT TO THE GENERAL ASSEMBLY

A. Written communications of a general nature

6. By letter dated 16 January 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva informed the Special Representative that, on 31 December 1990, the Iranian Parliament had approved new legal provisions concerning the right to legal counsel in all courts (for the text see para. 148).

7. On 5 February 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed the following letter to the Special Representative:

"We wish, through this formal letter, to raise with you a basic and important issue which has been the subject of discussion between us in a number of formal as well as informal meetings and on which, most regrettably, we have not been able to arrive at a conclusion or understanding as of yet.

"It is our hope that this letter, which we request to be included in the conclusion of your report, shall encourage you to look into this essential matter with more attention and provide us with an answer that is clear and unambiguous. We also hope that the Special Representative will avoid the casual replies which he has so far presented and which only leaves things more obscure.

"The issue at hand is but a simple, straightforward question:

"What is the basis and criteria for the Special Representative's conclusions whether or not monitoring the situation of human rights should continue?

"The Special Representative has, at different times so far, provided the following replies which we shall make an effort to reproduce:

"1. The Special Representative makes that conclusion on the basis of the report.

"2. Iran should become (the Special Representative wishes to make Iran) a model country for human rights.

"3. In the Special Representative's view monitoring is a procedure that should be applied to most countries of the world in a non-selective manner indefinitely and on the basis of co-operation with States concerned.

"4. Response by Iran to the recommendations and replies to the allegations, is the basis for such conclusion.

"The first reply is indeed vague and extremely general as the report is a compilation of communications and information which cannot by themselves yield a particular conclusion. The conclusion is made by the

Special Representative and, in order to avoid personal judgement, he must have available to him a criterion which shall serve as the basis for making a suggestion on whether or not monitoring of a State's human rights situation is 'useful and appropriate'.

"The second reply presents the Special Representative's personal desire and is evident that it cannot serve as the criterion to suggest continued monitoring. To 'change' Iran and 'make it a model', however good may be intended, is far beyond the mandate; monitoring on this basis cannot be described as 'appropriate'.

"The third reply is what may constitute a criterion for monitoring. But this does not correspond to the present situation as 'most countries of the world' are not monitored. As long as this criterion is not adopted and applied by the Commission it is not appropriate, nor is it just, to continue to apply it to Iran.

"So far as the recommendations are concerned they have been accepted and practical steps have been taken for their implementation. Replies to the so-called allegations have also been provided.

"On the basis of the above, there remains no doubt that the suggestions by the Special Representative on continuation of monitoring stem from a personal judgement and indeed the criteria that he uses as the basis (3 and 4 above) yield to the conclusion that monitoring Iran should stop."

8. By letters dated 6 February 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted in written form information he had presented to the Special Representative during a meeting on 30 January 1991 and requested that it be included in the report and that he be informed of the observations and recommendations as well as the course of action the Special Representative intended to take on these matters. The information has been reproduced in paragraph 28 (b) to (d).

9. By a further letter dated 6 February 1991, the Permanent Representative referred to another matter raised during the above-mentioned conversation. The content of that letter is reproduced in paragraph 28 (a) below.

B. Written communications concerning allegations received by the Special Representative and transmitted to the Government

10. On 8 November 1990 the Special Representative sent the following letter to the Minister for Foreign Affairs of the Islamic Republic of Iran:

"... I should, indeed, be most grateful if you could kindly intercede in a case which, for purely humanitarian reasons, I felt I should bring to your personal attention. According to information available to me, Mr. Badiullah Sobhani, a former official of the Ministry of Education, adhering to the Baha'i faith, is being held at Evin prison for the sole reason of not being able to repay his retirement pension received during the past 14 years. To my knowledge he has not been charged with any offence punishable under Iranian law. In view of these circumstances and

given the advanced age of Mr. Sobhani, I am taking the liberty of requesting your intervention with the competent authorities with a view to obtaining his release."

11. By letter dated 22 November 1990, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva communicated to the Special Representative that Mr. Badiullah Sobhani was set free on 15 November 1990.

12. On 17 December 1990 the Special Representative wrote the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... I recall with appreciation that, during my recent visit to Tehran, the Deputy Foreign Minister, Mr. M. Mottaki, expressed your Government's willingness to reply to the allegations which I transmitted to it in the past. As you know, I noted in my interim report to the General Assembly the fact that your Government has started providing such replies and cannot but emphasize again the importance I attach to its comments and observations on the various allegations.

"Since I intend to finalize my report by mid-January 1991, I would be most grateful if any further replies your Government might wish to submit could be communicated to the Centre for Human Rights not later than 10 January 1991, so that they may be included in my report and be taken into consideration in the conclusions and recommendations I intend to place before the Commission."

13. By letter dated 28 December 1990, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, the latest allegations received subsequent to his interim report to the forty-fifth session of the General Assembly, reiterating his request for comments or observations.

14. On 10 January 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative the following letter:

"... [I] would like to draw your attention to the fact that the deadline for submission of replies set forth for 10 January 1991 is absolutely impractical to meet as investigations of this nature are time consuming. The time, therefore, needs to be extended to a reasonable date.

"Moreover, as we have always mentioned in the past, the nature of your work requires continuous or at least frequent direct contacts with you before preparation of any report in order to accomplish the most from our full co-operation. We, therefore, request that you propose a number of dates that we can meet together from now until the time of the preparation of the report and its subsequent presentation to the forty-seventh session of the Commission on Human Rights.

"We are aware, of course, that because of your other preoccupations it may not be possible for you to come to Geneva as frequently as this sensitive, complicated and extensive task requires. Therefore, we would

like to inform you that we are prepared to meet with you at agreed places and times which may be convenient to you. I must add that the possibility of direct telephone contacts are also most desirable."

15. By letter dated 11 January 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted replies to the letters dated 27 June and 9 July 1990 addressed to him by the Special Representative, as follows:

"... I have the pleasure to inform you that since 10 December 1990, the following persons have been released: Reza Sadr, Ezatollah Sahabi, Farhad Behbahani, Abbas Ghaem Al-Sabahi, Mahmoud Naimpoor, Nour Ali Tabandeh and Hossein Shah-Hosseini.

"With regard to the other detainees, as soon as the judicial proceedings are concluded, you will be informed of the final results."

16. By letter dated 14 January 1991, the Special Representative replied to the letter of the Permanent Representative dated 10 January 1991 as follows:

"...

"While I appreciate the difficulty of investigating fully the most recent allegations transmitted by letter dated 28 December 1990, I have to remind you that the majority of the allegations received in 1990 were communicated to you by letters dated 20 August and 8 October 1990 and for certain individual cases even earlier. In addition, replies are still outstanding for allegations sent to you in previous years. I also wish to recall that during my last visit to Tehran in October 1990, the Deputy Foreign Minister, Mr. M. Mottaki, informed me that investigations on the allegations transmitted so far were already under way and replies would be made available to me shortly.

"In an effort to meet your concerns as well as your wish for further consultations with me, I have decided to delay the submission of my report for two weeks in order to allow us to meet before its finalization. Such a meeting could take place at Geneva on 28 or 29 January 1991. Any written material your Government might wish to present for inclusion in the report would, however, have to reach the Centre for Human Rights in one of the working languages of the Organization on 22 January at the latest.

"In view of the fact that the forty-seventh session of the Commission is scheduled to begin its work on 28 January 1991 and that by delaying my report I am already placing a considerable burden on the translation services of the United Nations, I hope that I can count on your understanding with regard to the dates indicated."

17. By letter dated 15 January 1991, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, the following letter:

"... In the framework of the co-operation which your Government accords to my mandate I should like to bring to your attention that I have

received reports concerning Mrs. Betty Akbarnia and her six-year-old son Amir, both residents of Overland Park, Kansas, United States of America. According to the information provided, Mrs. Akbarnia has resided in the United States for 16 years and holds a permanent immigrant visa. Both persons are said to have recently been arrested at Tehran airport upon returning to the United States from a family visit. It was reported that Mrs. Akbarnia has been charged with denouncing the Muslim faith and that she is scheduled to stand trial on 19 January 1991.

"I would be most grateful if you could provide me with full information on this case and in particular advise me of the precise charges brought against Mrs. Akbarnia. I would further appreciate receiving assurances that the above-mentioned persons receive humane treatment while in detention and can benefit of all procedural safeguards provided for in the International Covenant on Civil and Political Rights, including access to legal assistance."

18. On 21 January 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed the following letter to the Special Representative:

"I wish to refer to your letter of 14 January 1991 and indicate that my Government shall make every effort to prepare the replies as soon as possible. But this process is time consuming and more time would be needed than your new suggested deadline. We understand the burden on the Human Rights Centre but we believe for matters of importance such as this the United Nations should be prepared to provide facilities in a manner that will not limit, by any means, the possibilities for receiving as much information as possible by the Special Representative from the Government, even if it comes at the eleventh hour. With regard to the necessity for direct contact, the dates proposed would, based on your timetable, follow your preparation of this report. We have requested direct contact both prior and following the finalization of the report. As we mentioned earlier, the sensitive and complicated nature of this task requires constant contact, consultation and discussion so that our full co-operation can be properly utilized. A report drafted merely on the basis of some formal correspondance cannot be as objective and reliable as the task calls for. Since the monitoring is done on a continuous basis, consultations and contacts should also be possible at any time, at least on many occasions and not just one.

"We wish to reiterate our readiness, in the spirit and pursuance of our full co-operation, to meet you at any time and place prior to, during and following the preparation of the report. We are aware of your other preoccupation which limits the time you may allow for our task and your possibility to travel. We therefore state that we are ready to shoulder the extra burden to travel to the place desirable for you, including your current place of residence. We also await to receive your telephone number so as to enable us to contact you by phone."

19. By letter dated 22 January 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva strongly protested against the contents of paragraphs 44 and 45 of the interim report (A/45/697) and demanded immediate rectification (for the substantive content of this letter see para. 50).

20. By letter dated 22 January 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted replies of the Iranian Government to allegations contained in the interim report (A/45/697). For the substance of the replies see chapters II and III below. By the same letter the Permanent Representative also provided answers concerning the fate and/or whereabouts of 157 prisoners whose names were included in a list of 202 which the Special Representative handed to the Deputy Minister for Foreign Affairs during his second visit to Tehran. The list of the Special Representative is reproduced in appendix II of the interim report (A/45/697) and the replies thereto are reflected in annex III of the present report.

21. By note verbale dated 31 January 1991, the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva made available to the Special Representative the text of a communication which the Conseil Apostolique des Arméniens de Téhéran had addressed to the Ministry of Foreign Affairs (for the text of this communication see para. 458).

22. By letter dated 1 February 1991 the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva again referred to the death of Mr. Kazem Rajavi. The text of the letter is reproduced in paragraph 52.

C. Conversations with representatives of the Islamic Republic of Iran

23. Before orally introducing his interim report before the General Assembly, the Special Representative had a long, detailed conversation in New York with the deputy Permanent Representative of the Islamic Republic of Iran to the United Nations, Ambassador Javad Zarif. The discussion concentrated on the items in the interim report which the Government of the Islamic Republic of Iran found objectionable for various reasons, notably the prominence given to criticism originating from sources which in its view were partial and given to spreading disinformation, but also because the report, in its opinion, ignored positive aspects of the situation, and its lack of balance put the Iranian Government in a bad light.

24. In Geneva, the Special Representative had two conversations with Ambassador Syrons Nasseri who also brought up the subject of the interim report - both its tenor, which he described as negative, and various specific features which he considered to be lacking in balance. He paid especial attention to the questions of freedom to voice one's opinions and the authorization of new political parties. As regards freedom of expression, the Ambassador stated that the report made no mention of the complete freedom of expression enjoyed in the Iranian Parliament, which was unmatched in any other country in the region. The Special Representative pointed out that, whatever took place in Parliament, where divergent views were expressed and the Government was on occasion fiercely criticized, during his second visit to the country, he had received information from press sources which led him to believe that freedom of expression was subject to restrictions and steps should thus be taken to enable journalists to do their job of reporting and analysing the news, and allow newspapers to publish their articles in complete safety. He added that he could see no reason for the delay in authorizing new

political parties, which had now lasted several years; while some had indeed been authorized, others were de facto being denied legalization through simple foot-dragging, and there had been no official ruling on the subject.

25. The Ambassador stated that, to his mind, all allegations were incorporated into the reports without first being evaluated for their degree of credibility, and it was that that gave the appearance that human rights violations were taking place in Iran. His view was that the sources and credibility of allegations should be considered before they were included in reports. The Special Representative did not share that view and referred to the report he had submitted to the Commission on Human Rights at its forty-fourth session (E/CN.4/1988/24), paragraphs 61 to 65 of which explained in detail the method followed in handling allegations received.

26. The Ambassador raised the subject of the criteria for the continuation or suspension of international monitoring and it was agreed that he would submit a note because, on such an important matter, it was preferable for the Commission on Human Rights to know exactly what the Government's thinking was. The note was received on 5 February 1991 and has been incorporated into chapter I.

27. The Ambassador questioned the inclusion in the interim report of references to the killing of Mr. Kazem Rajavi and the Rushdie affair. The Special Representative replied that he was unable to omit the information he had received on those two matters. As regards the Rajavi case, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in resolution 1990/8 of 30 August 1990, had expressly invited him to include in his report "information available to him on this investigation". In reference to the Rushdie affair, the Ambassador added that the report ought to have mentioned the hundreds of persons in different countries, chiefly Pakistan and India, who had died as a result of Rushdie's book.

28. The Ambassador asked for the final report to mention a number of matters which he felt had a bearing on human rights. He later submitted his suggestions in writing, as follows:

(a) "I would like to draw your attention to a humanitarian and complicated issue linked with the destiny of more than 3 million Afghan and 65,000 Iraqi Kurd refugees residing in the Islamic Republic of Iran.

"Your attention is drawn to the fact that on the basis of humanitarian principles, the responsibilities for refugees is an international one and should not be left burdened on the host country alone.

"The Government of the Islamic Republic of Iran has provided all the facilities and accommodated the needs for all refugees to the best of its potentialities. Nevertheless, they cannot fully enjoy their rights stipulated in the provisions of the international covenants, as the result of others not sharing this international responsibility.

"This issue is becoming more complicated and worse after the occurrence of the recent crisis in the Persian Gulf. On the basis of the United Nations information, there might be more influxes of refugees of different nationalities pouring into Iran in days to come.

"Therefore, the Special Representative should pay special attention to the issue of refugees in Iran from the standpoint of their human rights, in order to improve their situation pending the final resolution of the issue. We request that this matter be fully investigated by the Special Representative and to report his findings and observations to the Commission on Human Rights."

(b) "We have received numerous letters from many individuals who have stated that they or members of their families have been displaced from their cities of residence as a result of the occupation and destruction of their cities. This had led to their deprivation of many basic rights enshrined in the [Universal Declaration] of Human Rights and the two Covenants. Their situation has still not been returned to normal. They also state that there are millions of individuals or families with the same grievances.

"Given the magnitude of the problem, they request that the Special Representative look into this matter noting the fact that such deprivation of human rights have been the result, above all, of the persistent military assistance provided by some western countries to enable the military occupation and destruction of their cities."

(c) "A number of persons have written to us to inform us of their grievances and requested that the Special Representative examine the situation and report on it accordingly.

"They have informed us that they represent tens of thousands of individuals or the families of those who have lost their lives or have otherwise been severely impaired as the result of indiscriminate bombing of civilian population centres in the course of the war. They have reminded us that these bombings, which have resulted in the extensive violations of the human rights and particularly the right to life of many, have been made possible due to sustained and open-handed assistance and provision of weapons or the sophisticated means to deliver weapons against the population by a number of western countries. They have also noted that at the time the United Nations reports had established the fact that weapons provided by their countries were being used against civilian population against the norms of international humanitarian law."

(d) "A number of individuals have requested us in writing to convey to you that they represent tens of thousands of people in Iran who themselves, or members of their family, have lost their lives or have been seriously injured, in many occasions for life, as the result of chemical bombardments against military and civilian personnel. The said representative individuals have demanded immediate investigation by the Special Representative into this matter and to present his observations and recommendations on the issue on the basis of the following:

"1. Use of chemical weapons against both military and civilian populations is prohibited by international law and international humanitarian law;

"2. The chemical weapons and the technology to sustain its manufacture have been provided by a number of western countries;

"3. Such material was provided with full knowledge that they had been and would continue to be used against human beings;

"4. As thousands have been deprived of their right to life and other most fundamental human rights, the matter should be dealt with by the Special Representative with the priority and attention that violations to such catastrophic human rights consequences require."

II. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

29. The following paragraphs contain allegations of human rights violations received by the Special Representative and transmitted to the Government of the Islamic Republic of Iran by memoranda dated 20 August, 8 October, 28 December 1990 and 29 January 1991. Replies received from the Government with regard to the alleged incidents and cases have also been reflected in this section. It should be understood that as regards the allegations transmitted on 28 December 1990 and 29 January 1991, the Government did not have sufficient time to examine them in detail and submit its observations.

A. Right to life

30. According to a report by the daily Abrar, a man condemned for fornication was publicly executed in Mashad in early 1990. Agence France Presse reported on 16 January that a 31-year-old woman convicted of prostitution had been stoned to death in Bandar Anzali. On 31 January Jomhouri Islami published a declaration of the Komiteh Commander of the Province of West Azerbaijan, according to which five persons engaged in prostitution and corruption had been stoned to death. According to a report by Ressalat on 15 February 1990, Gholam Reza Masouri was hanged in Arak for pederasty.

31. Jomhouri Islami reported on 17 February 1990 that Bolouch Ismalel Zehi had been executed for drug-trafficking. On 10 January Radio Tehran announced that 31 persons convicted of drug-trafficking had been executed, 23 of them in Tehran, 3 at Shiraz, 3 at Sabzevar and 2 at Saveh. According to Ressalat of 11 February, a married couple accused of drug-trafficking was sentenced to death in Saveh.

32. Dailies from various countries published the statement of Mitra Moazez (21), claiming that she had been forced to witness the death by burning of a 37-year-old woman and two 18-year-old men in an Iranian prison. According to these reports she had been imprisoned from 1981 to 1984. When she was freed, she visited the family of one of the young men, named Asghar Ghorbani Maleki, who told her that prison guards had brought them a box containing Asghar's ashes and that, as a consequence of the shock this had caused, the young man's father had committed suicide.

33. Abbas Raissi, a navy officer stationed at Chah Bahar, was said to have been arrested around September 1989 in Chah Bahar on unknown charges. The source of the information presumed that his arrest, as well as the arrest of a group of other persons, related to an incident in which a Government opponent, of whom Mr. Raissi was a close friend and distant relative, was smuggled out of the Islamic Republic of Iran. The group arrested at the same time included two of the opponent's nephews as well as his brother, Mohammed Karim Naroui, who was the Head Postmaster at Chah Bahar, and was executed at Zahedan on 28 January 1990 (8 Bahman 1368), reportedly having been sentenced to death at a trial the previous day. Mr. Raissi, who was detained at either Chah Bahar or Zahedan prison, was said to be at risk of imminent execution; the charges brought against him were not known and no information was available as to whether he had been tried. By a letter dated 12 March 1990, the Special Representative requested information about the charges brought against Mr. Raissi, whether he had been tried and, if so, asked that all relevant details concerning his trial and sentence be provided to him. The Special Representative also appealed to the Government, in case Mr. Raissi had been

sentenced to death, to consider granting clemency or at least to ensure that all safeguards stipulated in the International Covenant on Civil and Political Rights, particularly in its article 14, had been fully respected in the preceding trial.

34. By a letter dated 26 April 1990, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva replied that Mr. Raissi had been tried on spying charges for collaborating with Iraq during the war and had been condemned to death. The death sentence was carried out after due judicial process and all solemn rites were performed. The Permanent Representative added that the relevant judicial file would be made available upon request.

35. By a letter dated 7 May 1990, the Special Representative thanked the Government for its reply and requested the relevant judicial file concerning this case. He reiterated his interest in examining the files in the meeting with the Deputy Minister for Foreign Affairs, Mr. M. Mottaki, held at Tehran on 9 October 1990.

36. On 28 April 1990, the newspaper Kayhan published a report by the Islamic Republic News Agency to the effect that the Prosecutor General of the Tehran Revolutionary Court had announced that 10 persons accused of espionage would be executed in the next few days. Other sources reported directly to the Special Representative that Mr. Jamshead Amiry Bigvand, former Director of the Marodasht Shiraz Petrochemical Laboratory, and 13 other persons had allegedly been convicted on the charge of espionage for the United States of America, an offence for which capital punishment might be applied. Reportedly these persons had been held for months in solitary confinement at Evin prison, and had not been allowed to avail themselves of legal assistance of their own choosing. It was further alleged that confessions had been extracted under torture and that some of them had been compelled to make extrajudicial confessions which were broadcast by Iranian television. The Special Representative requested the Government, by a letter dated 8 May 1990, to enable all 14 persons to benefit from all the procedural safeguards provided for in articles 6 and 14 of the International Covenant on Civil and Political Rights and also safeguards 5 and 6 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, entitled "Implementation of safeguards guaranteeing the rights of those facing the death penalty". The Special Representative further requested information on the precise charges brought against these persons and all relevant details of their trials. Finally, the Special Representative appealed to the Government that, in the event that all legal remedies had been fully exhausted, every possible consideration be given to the granting of clemency to those persons.

37. On 11 May 1990, the Special Representative, pursuant to his letter dated 8 May 1990 and reiterating the requests expressed therein, communicated to the Permanent Representative 10 more names of persons allegedly belonging to the above-mentioned group of 14, as follows: Dr. Bahman Agahy, Legal Advisor of thee Iranian Foreign Ministry; Hooshang Amjadi Bigvand; General Ardeshear Ashraf; Manochehr Azar, Attorney; Masoud Deadehvar, Planning Advisor for the Iranian Oil Company; Navy Captain Kyanoosh Hakeamy; Colonel Bahram Ikany; Heshmatolah Magsoody, Clergyman/Attorney; Captain Gahraman Malekzadeh and Colonel Masoud Payaby.

38. By a letter dated 5 June 1990, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva forwarded to the Special Representative the following response of the judicial authorities of the Islamic Republic of Iran:

> "According to the article 37 of the Constitution of the Islamic Republic of Iran, and as contained in the second paragraph of article 14 of the International Covenant on Civil and Political Rights, no person shall be considered guilty by law unless the accusation against him is proved by a competent court and the courts are naturally obliged to act accordingly;
>
> "In the light of information received by the Islamic Revolutionary Court, those people were arrested and tried in accordance with the law. In addition, they were entitled to appoint a legal counsel and they duly and freely defended themselves during the trial;
>
> "With regard to the right of the accused to resort to higher court, it should be mentioned that the sentences issued in accordance with law could be reviewed in the Supreme Court. Consequently, after the issuance of the verdicts all the accused requested a review by the court of appeal. Investigation, therefore, was conducted at their request and the verdicts of the two of the accused were referred to another court for re-examination."

39. On 19 February Radio Tehran announced that 31 persons had been executed for drug-trafficking and organizing prostitution in the cities of Tehran, Sabzevar, Karaj, Arak, Kerman, Boushehr, Sari, Qom, Bakhtaran and Rashat. Radio Tehran supplied the names of those executed in each of those cities. Other sources stated that the charges were formation of and participation in international drug-trafficking bands, importing, transporting, purchase and sale of opium, heroin and hashish; corruption and establishment of prostitution centres, perverting girls and married women and corrupting the younger generation.

40. It has also been reported that 18 prisoners were executed on 17 and 27 April 1990 in the City of Sanandaj. It was asserted that they were militants who attended May Day celebrations in Sanandaj last year. The names of 14 persons belonging to this group were given as follows:
Mehdis Bolur-Forush, Jamal Cheragh-Disi, Nader Fat'hi, Seid Saleh Hossieni, Naser Jalali, Ahmad Mohamadi, Ali Ashraf Moradi, Mohsen Othman Pour, Ahmad Parvizi, Mohamad Rozaii, Naser Sobhani, Anvar Shariati, Roya, Bakhtiari.

41. By a letter dated 22 January 1991, the Government of the Islamic Republic of Iran stated that:

> "(a) Mr. Jamal Cherag-Vasi, because of terrorist activities and participation in several murderous operations and abduction in the Kurdistan region, was executed under the verdict of the court; (b) Mr. Anvar Shariati, because of participation in many military operations against ordinary people, causing death and injury to more than 50 people, was executed under the verdict of the court; (c) no judicial record was found on Mr. Mehdi Bolorforosh and Mrs. Roya Bakhtiyari. There were also no evidence of their executions because of non-political offences in Iran; (d) Mr. Naser Sobhani and Mr. Mohsen Osman-pour were

executed under the verdict of the court for their act of espionage in a military region and providing top secret military information to aliens; (e) Mr. Mohammad Rezai, Mr. Ahmad Parvizi and Mr. Seyed Saleh Hosseini are all alive and going about their nomal duties; (f) Mr. Nasser Djalali and Mr. Nader Fathi, during the years 1985 to 1988, were involved in rebellious activities in the western part of the country, killing tens of innocent people, demolishing public premises such as bridges, roads connecting villages to cities, kidnapping wives and children of people and blackmailing their families. He was arrested in 1988 and executed in 1989 under the verdict of the court; (g) Mr. Ahmad Mohammadi was killed in armed clashes with military forces along the western borders of the country. He was involved in smuggling foodstuffs across the Iran-Iraq borders; (h) Mr. Ali Ashraf Moradi was executed under the verdict of the court for the act of murder committed by him intentionally. One can therefore note that none of the above persons were executed for first of May celebrations, as was alleged."

42. It has further been reported that on 14 February 1990 a judicial panel sent to Hamadan on behalf of the Head of the Judiciary issued the following sentences:

(a) Gholamhossein Golzar, 27 years old, discharged employee of the Agricultural Bank of Hamadan: 74 lashes for committing robbery; 92 lashes for participation in a forbidden act, and decapitation by the just sword of the Imam Ali;

(b) Gholamhassan Golzar, aged 28, discharged employee of the Hamadan Municipality: 74 lashes for committing robbery; 74 lashes for participation in a forbidden act, and decapitation by the just sword of the Imam Ali;

(c) Reza Khanian, 23 years old, fruit and vegetable centre clerk: 74 lashes for committing robbery; 50 lashes for participation in a forbidden act; amputation of hand for committing assault and battery and hanging by scaffold.

43. The newspaper Kayhan announced on 3 January 1990 that Khodakaram Zamani, given a retributory death sentence for the murder of Morad-Ali Rezai, was executed in the main square of Khorramabad.

44. The newspaper Ettelaat announced the following executions: Gholam Zanbgian and Rashid Noor-Mohammadi, in Bakhtaran, on 6 January 1990, for murder; Ahmad Souri, for murder, on 9 January; two persons whose names were not announced, in Mashad on 1 January 1990, for murder; and the murderer of a 13-year-old girl, hanged in Ahwaz.

45. On 22 January 1991, the Government of the Islamic Republic of Iran stated, with regard to the three preceding paragraphs, that "it is necessary to realize that all verdicts issued from the courts are based on Islamic Shariat."

46. The Special Representative referred to the assassination of Mr. Kazem Rajavi in his interim report to the General Assembly (A/45/697, paras. 43 and 44). On 30 August 1990, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1990/8, in

which it: "expresses the sincere wish that all facts and circumstances will be fully investigated and revealed with respect to this serious crime;" and, in its paragraph 4, "Also expresses the wish that the Special Representative on the situation of human rights in the Islamic Republic of Iran, Mr. Galindo Pohl, will include information available to him on this investigation in his next report". The Special Representative therefore requested the Government of Switzerland to provide him with any information it would be able to make available to him with regard to the investigation of the case.

47. By a letter dated 31 January 1991, the Permanent Observer of Switzerland to the United Nations Office at Geneva replied as follows:

> "On instructions from my Government, I have the honour to communicate the following in response to your letter dated 19 September 1990 about the killing of Mr. Kazem Rajavi, the contents of which were disclosed to me by the Centre for Human Rights.
>
> Mr. Kazem Rajavi was assassinated on 24 April 1990, on the open street in the village of Tannay, near Coppet. The criminal investigation of this matter is being handled by the examining magistrate of the Canton of Vaud. Mr. R. Chatelain has issued warrants for the arrest of 13 Iranians who appear to be implicated in this appalling crime and has transmitted a list of questions to the Iranian authorities through the judicial assistance system.
>
> The outcome of these inquiries must be kept secret while the investigation proceeds. The examining magistrate of the Canton of Vaud, who is in charge of the investigation, is the only person authorized to disclose the information obtained.
>
> The Swiss Federal Council is nevertheless extremely concerned that all aspects of this attack should be brought to light. As stated in the press communiqué issued on 22 June 1990 (copy attached), the Federal Department of Foreign Affairs notified the Embassy of the Islamic Republic of Iran in Switzerland in June 1990 that the Federal Council would draw the appropriate conclusions if it should transpire that Iranian diplomats accredited to Switzerland or Iranian officials working in Switzerland were implicated in this affair."

"Press communiqué issued by the Federal Department of Foreign Affairs:

> Ambassador Pierre-Yves Simonin, the Head of the Second Political Division at the Federal Department of Foreign Affairs, this afternoon, Friday 22 June 1990, summoned Mr. Bahman Agharazi Darmani, the Secretary of the Embassy of the Islamic Republic of Iran in Bern, in the absence of the Head of Mission, Ambassador Seyyed Mohammad Hossein Malack, to convey to him Switzerland's extreme concern following the publication of the press release issued by the examining magistrate of the Canton of Vaud leading the investigation into the killing of Mr. Kazem Rajavi.

Ambassador Simonin gave the Iranian diplomat to understand that the Federal Council will consider the accusations levelled at some official Iranian services and will, where appropriate, take the steps which such cases require.

Ambassador Simonin further informed Mr. Darmani that the Federal Council would not hesitate to draw the appropriate conclusions should it transpire that accredited diplomats and/or Iranian officials stationed in Switzerland were implicated in this affair."

48. The examining magistrate of the Canton of Vaud, Mr. N. Chatelain, to whom the Permament Observer refers in his letter, previously had issued a press release, dated 22 June 1990, stating, inter alia, the following:

"... As of now, although the investigation has not been completed, it appears that several people are closely implicated in this affair. It was established early on that the individuals Yadollah Samadi and Mohammad Said Rezvani were possibly associated with this killing, but research has shown 13 people to be implicated.

...

The 13 implicated all justified their presence in Switzerland by means of Iranian official passports bearing the words "on official business". Some of these documents had been issued on the same days as each other in Tehran. Most of these individuals entered Switzerland together on direct Iran Air flights from Tehran to Geneva, and possessed airline tickets bearing consecutive serial numbers. They all stayed in hotels in or on the outskirts of Geneva. It has been established that sundry persons had made three trips to Switzerland, but that they were accompanied by different accomplices on each occasion.

...

The police officers conducting the investigation have now assembled a number of clues which make it possible to state that one or more official Iranian services are directly involved in the killing of Mr. Kazem Rajavi.

...

The Federal authorities have been informed of this development and the outcome of these inquiries. The inquiries are not yet complete, however, and the Vaud Security Police is continuing its investigation."

49. The assassination of Mr. Rajavi generated fear in persons visiting the Palais des Nations to give information about human rights in the Islamic Republic of Iran. They took extraordinary precautions so as not to draw attention to their lives and their beliefs and asked for special police protection, in some cases notifying the competent authorities in advance of their movements in Geneva or requesting interviews outside the Palais des Nations.

50. By letter dated 22 January 1991, the Permanent Representative of the Islamic Republic of Iran strongly protested against the reference to the assassination of Mr. Kazem Rajavi included in the interim report to the General Assembly (A/45/697, paras. 43 and 44). He stated:

"In paragraph 44 you have referred to assassination of Mr. Kazem Rajavi in a manner that tends to allege involvement of the Iranian Government. In doing so, you may have been misguided by some slanderous reporting reflected in some media. I wish to remind you that criminal charges have been pressed against those reporters on the basis of the Swiss Law. It is inappropriate for the Special Representative, however, to repeat such serious slanders on the basis of unfounded information.

"Moreover, the Special Representative should pay greater attention and reflect as thoroughly on thousands of cases of assassinations committed by the group that the deceased represented; bloody and cruel assassination that has included men and women, old or young. Total sympathy should also be presented to the families of those assassinated by the notorious group the deceased represented. Such attention and sympathy is, unfortunately and suspiciously, absent despite the fact that the Special Representative has, at his disposal, much information about the terrorist activities and assassination of this group and despite his own condemnation of such terrorist activities in the past.

"My Government, for its share, condemns all acts of terrorism and assassinations and believes that, like other murders committed by this notorious terrorist group against their own members, the killing of Mr. Kazem Rajavi is also the result of infighting within the group orchestrated by their headquarters in Iraq. ..."

51. With regard to paragraph 49 above, the Government of the Islamic Republic added that "there have not been any threats of non-co-operation with the Special Representative on the part of the authorities of the Islamic Republic of Iran. On the other hand, the Islamic Republic of Iran has taken measures to have the different NGOs meet the Special Representative and during his two trips has taken necessary precautionary measures for the convenience of those who wish to see the Special Representative".

52. By letter dated 1 February 1991, the Permanent Representative added the following:

"Following the protest in my letter dated 22 January 1991, in connection to the death of Mr. Kazem Rajavi and your comments presented orally in a formal meeting on 30 January 1991, citing a Sub-Commission resolution as the reason for such reference, I wish to state that your explanation is not justified, and hereby reiterate our protest and demand for full rectification of the matter. In this connection, while referring you once again to the text of our previous letter, I would add the following:

"1. Your mandate for examining the human rights is decided not by the Sub-Commission but by the Commission on Human Rights and, as such, you are by no means legally bound to pursue any matter on behalf of the Sub-Commission unless you simply choose to do so.

"2. The resolution at the Sub-Commission was the result of a letter dated 4 May 1990 which, in breach of most basic norms of the United Nations, was issued and signed by the Under-Secretary-General for Human Rights. The United Nations Secretary-General did, later, issue to

us a letter of apology and regret. The damage, however, had already been done, as the Sub-Commission drafted its resolution on the basis of the letter by the Under-Secretary-General, copies of which were provided through the members of the MKO terrorist group.

"3. Thus, it is all too clear that one wrong act has led to others. This must come to an immediate halt."

53. It has also been widely reported that the Iranian Government has endorsed the death sentence against the British author Salman Rushdie. On 5 June 1990, the Leader of the Islamic Republic of Iran reportedly stated that the fatwa (religious verdict) of the late Imam Khomeini concerning the author was based on divine rulings and remained irrevocable. On 26 December 1990 the Leader of the Islamic Republic of Iran reiterated that the fatwa cannot be revised or repealed by anyone at any time.

54. By a letter of 22 January 1991, the Permanent Representative of the Islamic Republic of Iran also referred to the Rushdie case, as follows:

" ... It should be pointed out that as a result of the criminal act of Mr. Rushdie which was a direct insult to the most sacred values of Muslims, tens of people lost their lives in different parts of the world. It is very suprising to note that the Special Representative addressed this political issue under the humanitarian mandate without making any reference whatsoever to those whose blood was spilled in protest to this criminal act. The Special Representative is expected to show as much sensitivity to the right to life of those Muslims who lost their lives as that which he extends to the culprit."

55. It has further been reported that on 22 October 1990 Professor Cyrus Elahi, a member of the Flag of Freedom Organization of Iran, was found dead with numerous bullet wounds at his Paris home. It was alleged that the assassination was carried out by agents of the Iranian Government. By a letter dated 11 January 1991, the Special Representative requested the Chargé d'Affaires of the Permanent Mission of France to the United Nations Office at Geneva that he be provided with any information that her Government would be able to make available to him on the results of the investigation into this case.

56. The Chargé d'Affaires of the Permanent Mission of France to the United Nations Office at Geneva replied, in a letter dated 29 January 1991, that "... the investigation has not yet been completed. Accordingly we cannot at present provide any information on the case, which is still sub judice. I undertake to keep you informed of any developments."

57. In many communications the Special Representative has received, it has been asserted that the families had never been officially notified that their relatives had been executed. In addition, those that were notified were often not told where their relatives had been buried.

58. By a letter dated 22 January 1991, the Government of the Islamic Republic of Iran has answered this allegation, stating that, "as the Special Representative was informed previously, there are special procedures for the implementation of the verdicts. According to these procedures the accused and his or her parents or family are informed of the contents of the verdict".

59. It has been reported that as of January 1990 persons have been executed in the Islamic Republic of Iran for their homosexual or lesbian tendency.

60. In its reply of 22 January 1991, the Government of the Islamic Republic of Iran stated that "according to the Islamic Shariat, homosexuals who confess to their acts and insist on that are condemned to death".

61. Other individual cases were reported as follows.

62. Mr. Bizhan Ahmadian reportedly was shot in a street in Babol and that the authorities refused to return his body to the family. Subsequently, his parents and some other members of his family were allegedly arrested.

63. In its reply of 22 January 1991, the Government of the Islamic Republic of Iran stated that "Mr. Bizhan Ahmadian fought along with others, armed with hand grenades and light weapons, in an attack on a shop belonging to a citizen; he clashed with officers of the law and order and consequently was killed. It is worth mentioning that in this street clash, two security agents were also wounded and killed. Two others who were arrested said that they have launched their operation on the order of the so called Peoples Mojahedin Khalq Organization of Iran".

64. Mr. Mohammad Fadaii was reportedly sentenced to five years' imprisonment. At the end of his prison term, which was spent in Meshed prison, he was released. In 1988, allegedly without any reason, he was again arrested, subjected to several kinds of torture, and executed.

65. In the same reply of 22 January 1991, the Government of the Islamic Republic of Iran stated that "Mr. Mohammad Fadaii had been arrested because of co-operation with terrorists and was released after serving his prison term. He is now with his family".

66. Mr. Amir Taavoni-Ganji, his wife and daughter left Iran in 1987 out of fear for their safety and liberty. When he returned for a short visit in 1988, he was immediately arrested and taken to Evin prison. In November 1989, the prison authorities asked his family to collect his clothes and other belongings, as he had been executed.

67. In its reply of 22 January 1991, the Government of the Islamic Republic of Iran stated that "no judicial report or arrest document is available on Mr. Amir Taavoni Ganji".

68. Mr. Mohammad Amin Danesh was reportedly executed on 12 January 1986 in Iranshahr and that his body was burned by the Guardians of the Islamic Revolution.

69. In its reply of 22 January 1991, the Government of the Islamic Republic of Iran declared that "Mr. Mohammad Amin Danesh was kidnapped in 1986 by the armed bandits who demanded a ransom for his release. Since these bandits were in operation on Afghan soil, it was not possible to pursue them and he has apparently been killed because of failure to pay the ransom. The allegation in this respect, therefore, is denied."

70. Mr. Davoud Mohammadi, a former veterinarian working in the Veterinary Office of Arak city, was reportedly executed in October 1989 on charges of drug-trafficking, but that the real reason for his execution was to be found in his political activities opposing the Government.

71. In its reply of 22 January 1991, the Government of the Islamic Republic of Iran stated that "Mr. Davoud Mohammadi was arrested under charges of possessing and distributing opium and other illicit drugs, and based upon the verdict of the court, was sentenced to death. He has no security record".

72. Subsequent to his interim report to the General Assembly the Special Representative has received the following further allegations concerning the right to life:

(a) It has been reported that two members of the "Flag of Freedom Organization of Iran" were executed at Evin prison: Mr. Hamid Amir Ansari, around 18 January 1990 and Colonel Mojtaba Shafii Khazaneh around February 1990. No information was available as to whether they had been presented to a court before execution. It was also reported that the fate of 11 other members of the Organization was unknown and fear was expressed that they might also have been executed. The names were given as follows: Davoud Mir Rahimi, Mrs. Zaman, Jafapour, Ahmad Roudaki, Khalil Ghiassi, Farokhi, Davoud Mozaffar, Mohammad Amin Alreaya, Nader Afshari, Dr. Assadi, Manouchehr Motaheri. All aforementioned persons were said to be political opponents of the Government but had not engaged in any violent activities;

(b) Davood Nasseri, a supposed political prisoner, reportedly was executed in April 1990 in Tehran;

(c) In September 1990, a hundred people convicted of drug-trafficking were said to have been executed within two weeks;

(d) On 3 October 1990, Mahmoud Khan-Darabi reportedly was executed in Kermanshah;

(e) On 10 October 1990, 37 persons were reported to have been executed in Torbat-E-Jaam;

(f) In October 1990, Massoud Keshavarz and Davood Salahshour, allegedly political prisoners, were said to have been executed in Karaj's Qezel-Hessar prison and Tehran, respectively;

(g) In October 1990, Javad Rahmanian reportedly was executed in Jahrom (Fars province), allegedly after having been severely tortured;

(h) Seyyed Mohammad Ali Shahbukhari, reportedly processed under charges of being a member of an espionage networks affiliated with a foreign intelligence agency and sentenced to death in a military tribunal, was executed on 12 November 1990;

(i) On 13 November 1990, Mr. Saber Esmail-Zadeh and Mr. Panahi, two supposed political prisoners, were said to have been executed in Tehran. Reportedly they had been arrested several years ago and were serving prison sentences;

(j) In the first two weeks of November 1990, nine persons were said to have been executed on non-political charges in Tehran, Ardebil, Bushehr, Karaj, Khorramabad and Zahedan;

(k) On 19 November 1990, Mr. Moussa Taqavi-Yeganeh, Mr. Khademi, Mr. Mohammad Heydari, Mr. Ahmad Reza'i, Mr. Mohammad Reza'i and Ms. Barazandeh, all of them alleged political prisoners, reportedly were executed in Gachsaran;

(l) On 23 November 1990, eight persons were said to have been executed in Hamedan, one person in Ahwaz and one in Zahedan, on various charges, including drug-trafficking;

(m) Two drug traffickers reportedly were hanged in Zahedan on 28 November 1990, after being sentenced to death by the Islamic Revolutionary Court of the city. The two were said to have been found guilty of possessing 4.5 kg. of heroin;

(n) On 3 December 1990, four persons were said to have been executed in Karaj and another person in Khalkhal;

(o) On 4 December 1990, 27 persons were said to have been hanged in Dizelabad prison in Bakhtaran. They allegedly had been involved in buying and selling narcotics in Bakhtaran and Zahedan;

(p) It has been reported that Mr. Manocher Afghani Dazeky was executed in the city of Kermanshar, subsequent to his arrest by the Guards of the Islamic Revolution. It was added that at the time of delivering his corpse, the Islamic Guards told his relatives not to mourn and not to wear black dresses;

(q) It was reported that Mr. Mohammad-Mehdi Saleiman-Nejad, born in 1969 and bearer of identification card No. 4025, was arrested on 4 August 1988 in Zahedan and put at the disposition of the Islamic Revolution's Court of the city. Reportedly on 17 August 1988, only 13 days after his arrest, he was executed and his grave was shown to his parents; his belongings were given to them but in spite of repeated requests, the authorities have not disclosed the reason for the execution;

(r) It was reported that Reverend Hossein Soodmand, aged 55, a Muslim convert to Christianity and minister of the church of the Assembly of God in Gorgan, was arrested in October 1990 in Mashad, his home town, on charges of apostasy from Islam, propagating Christianity, distributing Christian literature and setting up an illegal church in Mashad. On 3 December 1990 he was hanged in Mashad. His family was allegedly not informed of his situation until after the execution had taken place. It is not known whether he was tried. Rev. Soodmand converted to Christianity from Islam more than 20 years ago, but was ordained minister only about 2 years ago. Before then he worked for the Bible Society and in a hospital for the blind, where he met his wife, who is blind. He leaves her with four children. Pastors who visited his grave have reportedly said that it is not in a cemetery but in a location which cannot be considered a respectable place for burials.

(s) The Iranian press reportedly published articles on a total of 93 public executions during the period 1 to 29 January 1991. It was said that the executed persons have been sentenced on charges of common crime, in particular, related to drug-trafficking. Details were given as follows: 18 executions in Bakhtaran; 2 more Bandar Abbas; 24 including 2 women in Mashad; 7 in Torbat Jam; 5 in Neishabour; 4 in Qouchan; 20 in Hammadan; 1 in Oroumieh; 1 in Andimeshk; 8 in Khorasan; and 3 in Chah Bahar.

B. Enforced or involuntary disappearances

73. The Special Representative wishes to refer to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1991/20), which has transmitted to the Government of the Islamic Republic of Iran 451 cases of missing persons, 7 of which were reported to have occurred in 1990. So far only one case has been clarified by information received from non-governmental sources.

C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

74. Reports on torture and ill-treatment during imprisonment have continued to be received since the first visit of the Special Representative to the Islamic Republic of Iran. It was also alleged that mutilations and corporal punishment are being applied. In this context, it is pertinent to note an Agence France Presse report that, according to Kayhan, a person convicted of robbery suffered the amputation of four fingers on his right hand in Ghasr prison at Tehran. On 20 January 1990, the same news agency reported that two persons condemned for robbery had suffered the amputation of four fingers on their right hands. The sentence was reportedly executed in front of a large crowd that had assembled for Friday prayers.

75. In the letter of 22 January 1991, the Government of the Islamic Republic of Iran stated that "any physical abuse or torture under any name is denied in the prisons and they are totally baseless. But in regard to amputations, it is worth mentioning that the divine religion of Islam permits certain punishments for certain crimes and in the field of Qesas which entails amputations".

76. By a letter dated 23 May 1990, the Special Representative inquired about the situation of Dr. Alireza Nasiri, reportedly being detained on unknown charges at a prison situated at 21, Mohsangi/Asadi Street in Mashad and suffering from an acute eye disease, resulting from diabetes, which urgently required surgery. According to the information received by the Special Representative, Dr. Nasiri was arrested by the Pasdaran in Mashad in 1989. The Special Representative asked to be informed of the charges brought against Dr. Nasiri, as well as of the relevant details of his trial proceedings. He also requested the Government to ensure that Dr. Nasiri receives every medical treatment required for his condition.

77. On 22 January 1991, the Government reported that "Mr. Alireza Nasiri has been arrested with court verdict on charges of propagation of corruption and his case is under judicial study. The allegation is groundless, since the location cited is not a prison and he is now enjoying good health".

78. By a letter dated 15 June 1990, the Special Representative inquired about the situation of Mr. Noureddine Kianouri, former First Secretary of the Tudeh Party, whom he met at Evin prison during his first visit to the Islamic Republic of Iran. According to the allegations received, Mr. Kianouri had been placed in solitary confinement shortly after the departure of the Special Representative from Tehran and had no longer been allowed to receive visits.

79. The Special Representative has also been informed that Mr. Kianouri's wife, Mrs. Meriam Feirouz, was placed in solitary confinement, despite her advanced age and poor health.

80. During his second visit to the Islamic Republic of Iran, the Special Representative met with Mr. Kianouri and Mrs. Feirouz. Both denied allegations of solitary confinement, maltreatment and suspension of visits in recent months (see para. 424).

81. With respect to these allegations, the Government, by letter of 22 January 1991, informed the following: "(a) None of those who met with the Special Representative has been subjected to intimidation or maltreatment by the agents affiliated to the Islamic Republic of Iran; (b) Mr. Kianouri and his wife Meriam Firouz have preferred to live in a separate location from the public prison, and, in this regard, a suitable place has been arranged for them. This was the case, even during the first visit of the Special Representative to the Evin prison in which he was separated from the others; (c) Due to efforts rendered by the National Prisons Organization, special suites have been provided in the prisons for the married inmates. These suites are put at the disposal of those who do not have the possibility of having two or three days' leave outside the prison. These individuals stay with their families for one or two days in these suites without the presence of any guard. Mr. Kianouri and Mrs. Meriam Firouz also used these public facilities; (d) The two inmates, due to their old age, are under special supervision by the health authorities of the prison. They are constantly checked by the specialized doctors who come to see them for this purpose; (e) Any allegations are categorically denied.

82. In this connection, the Government also stated the following: "What the Special Representative mentions in para. 291 [erroneous reference] of his interim report that he has found in meeting with Mr. Kianouri and Mrs. Meriam Feirouz are contradictory to paras. 53 and 54 of his report".

83. In addition, the Special Representative received the following allegations.

84. Jamshid Amiri-Bigvand, 52 years old, former Director of Marodasht Shiraz Petrochemical Laboratory, was arrested on 18 September 1988 in front of the above-mentioned laboratory. Mr. Amiri was placed in solitary confinement in Evin prison and was allegedly tortured.

85. Houshang Amjadi Bigvand, 51 years old, self-employed, was arrested in November 1988 at his residence in the city of West Kots. His children and his wife were also arrested at the same time. He was placed in solitary confinement in Evin prison where he was allegedly tortured. Although his general condition of health was reportedly poor, owing to a bleeding stomach ulcer, Mr. Amjadi had reportedly not been permitted to receive medication from outside the prison.

86. On 13 October 1990, during his visit to Evin prison, the Special Representative spoke with Mr. Jamshid Amiri Bigvand and Mr. Houshang Amjadi Bigvand (see para. 426).

87. In connection with these allegations, on 22 January 1991, the Government stated in his letter that "Mr. Jamshid Amiri Bigvand and Houshang Amjadi Bigvand, who were arrested on charges of espionage for disclosing sensitive military information, are now awaiting the verdict of the court of appeal. They have not been subjected to any maltreatment and the allegation of their torture is denied".

88. Parvin Amiri Bigvand, 51 years old, wife of Houshang Amjadi Bigvand, was arrested in November 1988 at her residence in the city of West Kots with her husband and her children. She was placed in solitary confinement for eight months and then released. She was allegedly tortured during her stay in solitary confinement.

89. With regard to this allegation, the Government has stated that "Mrs. Parvin Amiri Bigvand, who was arrested briefly for having links with the United States spy network activity in Iran, was later released on bail. She has not been subjected to any maltreatment during her imprisonment. Any allegation, therefore, of her having been tortured is denied".

90. Reza Arbabi, 38 years old, was reportedly arrested in 1983 and kept in Mashad prison. On 22 June 1984, he was sentenced to 15 years' imprisonment by the Mashad court. Later he was transferred to Gohardasht prison, allegedly in a serious condition. Since 1988, his family have had no news about him.

91. The Government of the Islamic Republic of Iran replied by letter of 22 January 1991 that "Mr. Reza Arbadi had been sentenced to 25 years' imprisonment for his involvement in terrorist activities, but later on was pardoned since the prison authorities were pleased with his exemplary conduct. He was consequently released in 1988".

92. Mr. Yagoub Bahramy was reportedly subjected to repeated beatings in Ghasr prison.

93. Mr. Asdollah Bayat reportedly was repeatedly beaten with cables in Ghasr prison, resulting in mental problems.

94. In connection with these two allegations, the Government of the Islamic Republic of Iran stated, on 22 January 1991 that "there is no judicial record or conviction verdict available on Mr. Yagoub Bahramy and Mr. Asdollah Bayat and no document showing their imprisonment in the Qaser Prison".

95. Mr. Ardeshir Bonyani reportedly was arrested in December 1989 for refusing military service. He was reportedly beaten up and his jaw broken.

96. Mr. Kamram Bonyani reportedly had distributed pictures of the late Shah and displayed the former Iranian flag in Valiahd Square and Pole-Seyyed Khandan. Reportedly, he had been arrested by the revolutionary guards at the house of a certain Mr. Misaghieh at Shemiran and taken to the Komiteh in Jamaran district, where he was allegedly tortured; as a result, his jaw and teeth were broken.

97. On the two preceding cases, on 22 January 1991 the Government stated the following: "According to the police department in Tehran, Mr. Ardeshir and Kamran Bonyani molested the wife of one of the inhabitants of Vali-Asr Avenue and on her complaint, they were arrested. These two individuals have previous records of theft and molestation of women. They were later released by acquiring contention of the lady and providing commitment not to repeat their misbehaviour."

98. Mr. Aslan Fadavy reportedly suffered severe beatings at Evin prison.

99. On 22 January 1991, the Government stated that "Mr. Aslan Fadavy, who was imprisoned in Gohar-Dasht, had been released in 1988. He was arrested in 1983 on terrorist activities and had been sentenced to 15 years' imprisonment. But due to his good conduct, he was pardoned before his term of prison was due".

100. Mr. Masood Farjad, an engineer, reportedly was tortured by security officers who allegedly used burning cigarette butts to inscribe on his back "death to opponents of Velayate Faghih" (religious guide).

101. With regard to this allegation, on 22 January 1991, the Government stated that "there is no judicial record available on Mr. Masood Farjad. It is worth mentioning that based upon documents, the so-called People's Fadaeyan Organization of Iran, in a bid to provoke public opinion would have burnt the bodies of some of their members by cigarette butts and later published their pictures in their own newspaper. In this regard one of the members of this organization who confessed to have burnt himself with cigarette butts revealed the tricks of the organization through the mass media."

102. Mr. Navab-Ali Ghaem-Maghami reportedly was subjected to various forms of sexual abuse and psychological torture in Ghom prison. He was allegedly forced to watch other prisoners being tortured. Several times, his clothes were reportedly soiled with the urine and excrement of other prisoners.

103. By letter dated 22 January 1991, the Government stated that "Mr. Navab-Ali Ghaem-Maghami has no judicial or conviction record. The governmental records show that no person of such name has been born in Qom. In addition, the municipality of this city has announced that no person of such name has lived in Qom."

104. Mrs. Tahere Hadadian-Zanjani, aged 53, reportedly spent more than five years in prison, partly in solitary confinement. As a result of being flogged on the soles of her feet with cables, and other kinds of alleged torture, she had to undergo surgical operations.

105. On 22 January 1991 the Government stated the following: "Tahere Hadadian Zanjani, who had been sentenced to 20 years' imprisonment for collaborating with and hiding terrorists, enjoyed clemency and is now free."

106. Ms. Soraya Haghshenas was reportedly ordered arrested by the procurator of Tabriz prison when she refused his sexual advances. In prison she was allegedly flogged and forced to witness other prisoners being tortured.

107. Mr. Ahmad Khanzamapour reportedly was imprisoned from 1981 to 1986 in Evin, Gohardasht and Ghezel-Hesar prisons. Despite the fact that he has epilepsy, he was allegedly subjected to different kinds of torture. In

particular, it was reported that he was beaten with cables, that his genital organs were connected to electric wires and that he was forced to witness other prisoners being tortured. Allegedly, the prison guards confiscated the drugs he needed to treat his epilepsy, and when he had epileptic fits, medical care was not provided except in the most critical situations.

108. With regard to these two allegations, on 22 January 1991 the Government of the Islamic Republic of Iran declared that "there is no judicial record on Ms. Soraya Haghshenas and Mr. Ahmad Khan Zamapoor."

109. Mr. Habib Maffi reportedly had his teeth broken by prison guards in Tabriz and suffers from severe mental problems as a result of torture.

110. In the same letter of 22 January 1991, the Government stated that "Mr. Habib Maffi, who had been sentenced to six months' imprisonment for unintentional homicide while driving, collided into one of his inmates and broke his teeth; he also got injured on the face. He was later treated and was released after serving his term."

111. Mr. Ebrahim Mozroii was allegedly unlawfully imprisoned and tortured. He reportedly filed a complaint with the authorities, but to no avail.

112. Mr. Afrasiab Pakzadegan reportedly, on two occasions at Ghom prison, was tied to a chair while dogs were incited to attack him.

113. Mr. Rahim Rahseparian was allegedly forced to perform various sexual acts in Tabriz prison.

114. Mr. Mostafa Salehyar was reportedly sexually abused by four prison guards and was beaten on his genitals.

115. Mohammad Reza Sedaghat, former manager at one of the Government offices, was reportedly in prison without any charge or trial, and reportedly suffered from torture many times, resulting in serious damage to his feet.

116. On the five preceding cases, on 22 January 1991, the Government replied as follows: "There is no judicial records on Mr. Ebrahim Mozroii, Mr. Afrasiab Pakzadegan, Mr. Rahim Rahseparian, Moustafa Salehyar and Mohammad Reza Sedaghat."

117. John Pattis, citizen of the United States of America, has reportedly been held in Evin prison for four years. The prison doctors have allegedly stated that he is suffering from severe anaemia due to malnutrition, from weight loss, loss of hair and that his skin has a green hue.

118. With regard to this case, the Government stated in its letter of 22 January 1991 that "Mr. John Pattis who was arrested on charges of spying served his prison terms like other inmates in a satisfactory condition. Loss of weight and hair are attributed by doctors to psychological stress resulting from failure in carrying out his espionage activities and his intolerance of his life imprisonment. His anaemia case due to malnutrition does not have any basis."

119. Ahmad Rashed-Morandi, 32 years old, was arrested in 1981 in Tehran and sent to Evin prison, where he allegedly was under constant torture. In 1983, he was sent to Ghasr prison at Tehran. Since 1989, the prison guards have not allowed any meetings with him. Since then there has been no news of Mr. Rashed-Morandi.

120. On 22 January 1991, the Government stated that "there is no judicial record on Mr. Ahmad Rashed-Morandi."

121. Ms. Fatemeh Taati Asil was reportedly arrested in 1981 on the accusation of being a Mojahedin sympathizer. While in prison, she was allegedly subjected to torture, resulting in serious mental disorder. She was released in 1988, after six years' imprisonment.

122. On this case, the Government indicated on 22 January 1991 that "Mrs. Fatemeh Taati Asil was sentenced to life imprisonment in 1981 for terrorist activities, involvement in plundering the wealth of the people, intimidating the people and indirect involvement in the assassination of four people. She was, however, released in 1988 due to her good conduct."

123. Jamshid Torabi, 37 years old, was arrested in 1982 and taken to Evin prison. There he was given a brief trial, reportedly without the presence of a lawyer for his defence. He was sentenced to an undefined period, from 15 to 17 years. Later he was transferred to Gohardasht prison where he was held until the spring of 1989, when he was transferred back to Evin prison. Allegedly, he has been severely tortured several times during his years of imprisonment.

124. On this matter, the Government stated on 22 January 1991 that "Jamshid Torabi during the time of his imprisonment was never subjected to torture or harassment. He, however, declined to accept a defence lawyer, saying that since his crime was axiomatic, which he confessed, there was no need for a lawyer. He is now free and lives normally."

125. Ms. Mehrangiz Yeganeh was reportedly arrested in 1981 and charged with being a Mojahedin sympathizer. She was imprisoned for 2 1/2 years in Tabriz prison. It was asserted that in prison she was subjected to different kinds of torture and rape. Allegedly as a result of having been raped repeatedly, her intestines were damaged and she had to undergo a surgical operation. She was hospitalized for 18 months, first in the hospital of Tabriz prison and then in an ordinary hospital. It is alleged that she has not yet fully recovered.

126. On 22 January 1991, the Government informed the Special Representative that "Mrs. Mehrangize Yeganeh who was active in supporting efforts of terrorist groups was sentenced to 15 years' imprisonment. She had been suffering from an ulcer before her arrest and underwent medical treatment during the time of her imprisonment. She is now free."

127. Since the publication of the interim report it has been reported that different types of torture, mainly flogging with whips or cables, suspension by the wrist, sleep deprivation and psychological torture including mock executions were being commonly applied in many prisons. Such methods of

torture were reportedly used in order to force detainees to confess to suspected offences or to reveal information, in particular about the names of supporters of opposition political groups or the whereabouts of individuals wanted by the authorities.

128. It was reported that in recent years no member of the security forces or no prison official has been brought to justice for torturing or ill-treating prisoners.

129. A former prisoner reported to the Special Representative that he had personally witnessed that a fellow prisoner had died as a result of an enforced blood transfusion; that he also saw prison officers pouring hot water on the face of another prisoner; and that he had witnessed the rape of young women by prison investigators. The witness requested that his name should not be revealed.

130. Another former prisoner informed the Special Representative that she was tortured during her captivity at Evin prison between 1982 and 1987 and that torture marks still remained on the sole of her right foot. She also reported having witnessed the torture of Mariam Saghari and Ghodsi Hava-Keshian, two women who were allegedly executed in the second half of 1988. She also alleged that another fellow prisoner, Ms. Rafat Kholdi, had committed suicide after having been tortured by prison guards. The witness requested that her name should not be revealed.

131. It has been reported that Mr. Kiomars Shahi was arrested in 1982 and imprisoned in Evin prison in Tehran. He was reported to have been severely tortured before his execution in May 1987.

132. It has also been reported that Mr. Bahzad Naziri, aged 26, a former translater for AFP news agency, was said to have suffered flogging with flex over the soles of his feet for days at a time, while he was in prison in Tehran in June 1985.

133. It was said that Dr. Ahmed Danesh, a surgeon imprisoned since 1983 because of his support for the Tudeh Party, was tortured and reportedly had witnessed others being tortured, before his execution in 1988 in Evin prison.

134. It has been reported that Javad Rahmanian, a supposed political prisoner, was said to have been severely tortured in October 1990 and denied visitation rights before his execution in Jahrom (Fars province).

135. It has also been reported that Mr. Mohammad Heydari was subjected to severe torture, including the flaying of parts of his arms and legs and burning of his fingers, before his execution on 19 November 1990 in Gachsaran.

136. It was said that Mr. Mehdi Dibaj, who converted to Christianity some 25 years ago, reportedly has been in prison and systematically tortured since 1983 in Tehran, in attempts to force him to renounce Christianity and reconvert to Islam.

137. It was also said that Mrs. Malek Taj Hakimi was said to have been tortured in prison. Her daughter, Soodabeh Sharifi, was 13 years old when she allegedly was forced to witness the torture of her mother.

138. It has been reported that Mr. Hassan Mojarrabi-Tabrizi was arrested eight years ago in relation to his activities in the Tudeh Party. Since then he has allegedly been subjected to physical and psychological tortures in Tabriz prison with negative consequences to his health. He is said to be held in section 9 of Tabriz prison.

139. A number of allegations were also received concerning sentences of physical punishment which constitute forms of torture or cruel, inhuman or degrading treatment, prohibited under article 7 of the International Covenant on Civil and Political Rights. In this connection, reference was made to article 115 of the Penal Code prescribing that "... a man, while standing and his body naked except for a cover of his private parts, is whipped all over the body except on his head, face and private parts. A woman, however, is whipped while sitting with her dress tied to her body".

140. The attention of the Special Representative was also drawn to the law of Hodoud and Qesas. That law prescribes flogging for the following offences: adultery (articles 100-104), taking alcohol (articles 123-136), sodomy (article 152), lesbianism (articles 159, 164), pimping (article 168), Qazf (malicious accusation) (articles 176, 178, 187), fornication by a man or a woman who is not qualified as married (article 102) and drinking liquor, whether by a man or woman (article 131). Article 178 prescribes flogging for a discerning minor who maliciously accuses someone. It was further stressed that the Ta'Azirat provisions of the Islamic Penal Code contain more than 50 articles prescribing lashing of up to 74 strokes.

141. Reference was also made to the provisions of the law of Hodoud and Qesas calling for amputation of limbs and mutilation of other parts of the body (article 218). In this connection, specific cases were alleged as follows:

(a) On 6 February 1985, Mahmoud Karimi suffered the amputation of his fingers in Quasr prison;

(b) On 7 February 1985, Naser Hosseinpour, Abdullah Hashemi and Bahram Ali Eftekhazi suffered the amputation of fingers in Quasr prison;

(c) On 27 February 1986, four convicted thieves had the four fingers of their right hand cut off in Shiraz;

(d) For the year 1989, nine cases of amputation for theft were reported. The number of cases of amputation reported for 1990 amounts to 12;

(e) On 16 January 1990, Kayhan reported that in Ghasr prison in Tehran, four fingers were amputed from the right hand of a man convicted of theft;

(f) On 18 January 1990, a convicted thief had four fingers of his right hand amputated in Tehran, after being sentenced by a court in Shahroud;

(g) On 20 January 1990, the Iranian press reported that the four fingers on the right hands of two Iranians convicted of theft were amputated in Bakhtaran. The sentences were reportedly carried out in front of a crowd after the Friday prayer service;

(h) Jomhouri-Islami newspaper reported on 9 May 1990 that three persons accused of theft had their fingers amputated in Ahwaz.

D. Administration of justice

142. It has been reported that, although the Administrative Regulations Governing the Revolutionary Courts and Public Prosecutor's Offices stipulate that an Islamic revolutionary court should be presided over by a religious judge and that it should be composed of as many as five members, in practice, such courts have consisted of only one judge discharging his duties in a summary fashion. Allegedly, hearings before such courts have in many instances been a matter of minutes only.

143. It has also been reported that trials before Islamic revolutionary courts have usually taken place in secret, sometimes inside prisons, that defendants have not enjoyed the right to be represented by a lawyer, and often have not even been made aware that the proceedings were in fact a trial and not an interrogation session.

144. It has been reported that prisoners may be held in indefinite pre-trial detention. The principle of presumption of innocence is allegedly not respected, particularly when the subject is accused of being a member of an armed opposition group. It was said that lawyers generally do not accept cases of such a nature in order not to be suspected of being armed opposition sympathizers themselves. The absence of lawyers in political trials has been considered as one major shortcoming in the procedures of revolutionary courts. Others were said to consist in the denial of the right of the accused to call witnesses in their own defence, and in the absence of the right of appeal against verdict and sentence. In this connection, it may be recalled that, during his first visit, the Special Representative was informed by the President of the Supreme Court of Justice that the right of appeal is recognized and that no exception is made in cases under the jurisdiction of the revolutionary courts. However, article 11/2 of the Administrative Regulations Governing the Revolutionary Courts and Public Prosecutor's Offices precludes the possibility of any revision being made to the judgements of Islamic revolutionary courts. (For the explanations received from the authorities in this regard, see para. 401).

145. It was also said that, in the proceedings of revolutionary courts, the requirement for adequate time and facilities for the preparation of a defence is generally not met. Reportedly, during the period of investigation, persons to be tried before revolutionary courts have frequently been held in solitary confinement and incommunicado and have not been informed sufficiently in advance of the date of their trial. It was further alleged that in practice the Islamic revolutionary courts give greater priority to handing out exemplary punishments than to ensuring that the accused receive a fair trial.

146. Other reports alleged disregard of court sentences by arbitrary extension of the terms of imprisonment, execution of inmates sentenced to life or imprisonment of various durations or rearrest of persons who already completed their prison terms.

147. By letter dated 22 January 1991, the Government of the Islamic Republic of Iran stated that all allegations embodied in the five preceding paragraphs "are totally groundless". The Government added:

> "The court after listening to the representative of the attorney general and based on the file compiled in this regard, stands up to his defence. The timing of the trial depends upon the statements of the defendant, the witnesses and the evidences of the crime. In the court, like other tribunals and according to article 35 of the constitutional law, the defendant has the right to get a lawyer and if not the court itself is to provide the lawyer. The defendant has the right to oppose the verdict and call for appeal, in which case the file will be sent to the other tribunal. Articles 2 and 11 have been abrogated two years ago and revolutionary courts based upon 166 of the constitution meet openly where the public and the representatives of the media are allowed to participate;
>
> "With respect to the term of arrest ... As stipulated in article 37 of the constitutional law, the criterion is the innocence of the defendant until otherwise proved; none of those arrested are kept in custody unless they possessed sensitive security information, in which case the arrestation will be limited to some few days. The defendants after receiving the verdict of the court and accepting the decision will spend their term of imprisonment in one of the prisons of the country. The authorities of the prison are authorized to include the names of those respecting the rules of the prison (obeying orders and having good conduct) so that on special occasions, they may enjoy the clemency of the leader of the Islamic Republic of Iran.
>
> "None of the prison officials or judicial authorities has the right to change the verdict of the court. They cannot increase or decrease the term of imprisonment themselves."

148. By letter dated 16 January 1991, the Government informed the Special Representative that the following provisions regarding the rights to legal counsel in all courts had been adopted by the Iranian Parliament:

> "Single Article - The parties to a lawsuit have the right to appoint a legal counsel and all the courts including the Legal, Penal, Revolutionary, Military, the Special Courts for the clergy and others are obliged to receive counsel in all stages of interrogation and court process;
>
> "Sub-article 1 - Failure to comply with the provisions of the above article for the first time shall be punishable according to the third degree of disciplinary punishment and for the second time, the dismissal from judicial post. If a court denies the right of a party to appoint a counsel, without the presence of the latter issues its verdict, it shall be considered as null and void;
>
> "Sub-article 2 - A legal counsel in its position of defending a case enjoys all the honours and privileges which are accorded to other judicial authorities."

149. With regard to the administration of justice in cases of drug trafficking, it has been reported by the newspaper Abrar that, in conformity with instructions given by the Deputy Chief of Intelligence of the General Committees Command, since the entry into force of a new law against drug trafficking, 50,000 drug addicts have been arrested, including 19,822 heroin addicts, 22,963 opium addicts, and 7,215 hashish addicts. According to figures provided by Radio Tehran on 10 January 1990, out of a total number of 800,000 drug addicts in the country, 50,000 have been arrested. On 24 January 1990, Radio Tehran announced that 335 drug traffickers and pushers had been arrested on 21 January, as well as 2,231 addicts, and that all had been handed over to the judicial authorities.

150. Subsequent to his interim report, the Special Representative's attention was again drawn to the absence of judicial or other supervision over the detention process. It was said that members of the security forces, including the police, the gendarmerie, the Islamic Revolutionary Guard Corps, the Islamic Revolution Committees and agents of the Ministry of Intelligence proceed to arrest and detain persons, often only under their subjective conviction or suspicions and in cases of minor offences. Several sources affirmed that in political cases, the arrested persons are not brought before a judicial authority shortly after arrest and that such prisoners in many cases have not been informed of the offence for which they have been arrested.

151. The Special Representative has been apprised of the following specific cases of alleged irregularities in the administration of justice, which were reported as follows.

152. Ms. Mitra Ameli, aged 36, widow, medical doctor, daughter of Ziaedin and Aghdas, was reportedly arrested on 9 October 1984 and sentenced to seven years' imprisonment. Her husband, Mr. Anoushirvan Lotfi, one of the leaders of the Organization of Iranian People's Fedeyan, was arrested in 1983 and executed in 1988. Her daughter, Khatereh, was born in prison on 30 March 1984. On 28 April 1984, the child was given to Mitra Ameli's mother for care outside the prison. It was reported that Ms. Ameli's release, due in 1990, had been made contingent upon her publicly denouncing the activities of her late husband.

153. On this allegation, the Government of the Islamic Republic of Iran, by letter dated 22 January 1991, stated that "Mrs. Mitra Ameli, due to her terrorist activities, and collaborating with her husband, Mr. Anoshiravan Lotfi, in armed operations to create intimidation and public terror was imprisoned. She was released in 1990 before her term of imprisonment was due. Her husband was sentenced to death because he led a number of armed operations and was involved in a number of assassinations. The verdict was carried out."

154. Mr. Roger Cooper, British, aged 55, businessman, was reportedly arrested on 7 December 1985, apparently for overstaying his visa. He was allegedly held without charges and was refused any consular visit until August 1986. During the early months of his detention he was described publicly as a British spy and was portrayed in a television interview as confessing to vague spying charges. However, no charges have ever been announced and no public trial held. Consular access has allegedly been inadequate. He has received

only six consular visits from members of the British Interests Section and four from members of his family since his detention. His right to send and receive mail has reportedly been seriously limited, although this is said to have improved in recent months. Rumours were reported according to which he had been sentenced to two terms of imprisonment on spying charges, with the result that he would not be eligible for release until about 2003.

155. On this case, the Government stated on 22 January 1991 the following: "Based upon undisputable evidence, and his own confession, Mr. Roger Cooper during his stay in Iran before and after the Islamic Revolution, was involved in espionage activities. His case is under study in the court. The reason for prolongation of this process can be attributed to the fact that he had committed other crimes in addition to espionage. All the requests made by the Embassy or the interest section of the United Kingdom in Iran with respect to visits by the counsel or his family has been agreed upon. Based on his legal right he has so far written quite a few letters to the members of his family and his friends and in addition he has written articles in the Iranian press."

156. Jamshid Fadec was reportedly executed in the city of Masjed Solaiman after four months of imprisonment and without a trial. During his time in prison his family was not permitted to visit him.

157. Mehrdad Fadec was reportedly executed in the city of Masjed Solaiman after four months of imprisonment and without a trial. During his detention his family was not permitted to visit him.

158. On these two allegations, the Government of the Islamic Republic of Iran replied, on 22 January 1991, that "no judicial record is available on Mr. Jamshid and Mehrdad Fadec. According to the police department of the city of Masjed Solymanan an individual named Jamshid Fadakpoor who attempted with two others an armed robbery of one of that city's banks was killed by security forces."

159. Mr. Saeed Firooz, accountant in the Office of the Justice Ministry in Tonekabon. It was reported that on 3 December 1989, 10 Guardians of the Islamic Revolution went to his house, took away some of his private documents and intimidated his wife and children. Later in the day, two Guardians of the Islamic Revolution came to his office and took him to Nashtaroud prison, blindfolded and handcuffed. The Guardians told him that his arrest warrant had been issued by Mr. Ramazanipour, Public Prosecutor of the Islamic Revolution in Tonekabon. In prison, Mr. Firooz was asked to sign some prepared texts incriminating certain officials of the Justice Ministry and secular judges in Tonekabon who had sentenced some Guardians of the Islamic Revolution to death for having carried out assassinations. Mr. Firooz refused to sign the papers and as a consequence was allegedly tortured. His wife reported the matter to the Office of the Inspectorate General at Tehran. Two inspectors came from Tehran and reportedly confirmed that the prison authorities had tortured Mr. Firooz and other prisoners. However, later the inspectors returned to Tehran as a result of pressure exercised by higher religious authorities without concluding their investigation. When Mrs. Firooz tried to pursue the matter in Tehran with the Office of the Inspectorate General, Guardians attacked and confiscated her car. Mr. Firooz subsequently managed to escape from prison.

160. On this matter the Government stated on 22 January 1991 that "no judicial record is available on the arrest of Mr. Saeed Firooz. It has been also clarified that any record of such a person has not existed in the justice department of the city of Tonekabon".

161. Ms. Hura Fuladpour, aged 38, married, teacher, daughter of Ghasem and Sedigheh, was reportedly arrested in February 1983 in Tehran and sent to Evin prison. She has allegedly not been informed of the reasons and duration of her imprisonment.

162. On 22 January 1991, the Government informed that "Mrs. Hura Fuladpour was arrested on charges of operating terrorist activities and was consequently sentenced to imprisonment. She has served her term and is now free".

163. Ms. Zohreh Gaeni, aged about 35, widow, high school teacher and editor of a young women's newspaper of the Youth Organization of the Tudeh Party, Azarakhsh, was reportedly detained as she was going to a meeting at the Party's offices in Tehran in early 1983. Her husband, Mr. Kiumars Zarshenas, and another 50 people were arrested on the same day. For about six months after Zohreh Gaeni's arrest, there was no news of her whereabouts and no one was able to see her. Subsequent to televised confessions by several Tudeh Party leaders, she was able to telephone her family. Two or three months later, the authorities at Evin prison notified her family that they would be permitted to visit her once every two weeks. She was allegedly not tried until about 3 1/2 years after her arrest. Her trial reportedly consisted of her being brought before a mullah who sentenced her to eight years' imprisonment. This sentence was to run from the date of trial and did not take into account the period of pre-trial detention. The precise charge against her is allegedly still not known. Reportedly, she was told by the prison authorities that she must divorce her husband, as he was a communist and an atheist. She refused to comply and her husband was executed in autumn 1988. During the time of the Government of the Shah, Ms. Ghaeni spent 1 1/2 years in prison as a result of her political activities.

164. On this allegation, by letter of 22 January 1991 the Government stated that "Mrs. Zohreh Gaeni was arrested on espionage charges along with her husband and was imprisoned. She is now free."

165. Ms. Fatemeh Izadi, aged approximately 40, widow, medical doctor, was reportedly a political prisoner under the Shah's régime and was again arrested in February 1983, at the same time as her husband, Mr. Fariborz Salehi, for activities in support of the Organization of Iranian People's Fedeyan. Her husband was executed in 1988. She was sentenced to 20 years' imprisonment after a summary trial. While in prison, she allegedly contracted tuberculosis.

166. Ms. Manijeh Riazi, aged 36, married, student, daughter of Jaber, was reportedly arrested in June 1981, sent to Evin prison and sentenced to two years' imprisonment. At the end of the two years, she was again questioned but not released. She has allegedly not been told why and how long she must remain in prison.

167. Ms. Malekeh Mohammadi, aged about 65, widow, journalist and editor of the Tudeh Party newspapers Mardom and Donya, was arrested in April 1983, along with Meriam Firouz, and sentenced to death, but the sentence was later commuted. The charges on which she was convicted are unknown. She was married to Mohammed Pour-Hormozan, a leading Tudeh Party figure, who was executed in the autumn of 1988.

168. Ms. Faezeh Sabetjahromi, aged 33, married, student, daughter of Fathali and Ehteram, was reportedly arrested in 1983 in Hesarak, Karaj, with her six-month-old son. The child was in prison up to school age.
Ms. Sabetjahromi was sentenced to 10 years' imprisonment. She is the wife of Mr. Ebrahim Avakh, leader of the Organization of Revolutionary Workers of Iran.

169. Ms. Fatemeh (Zohreh) Sedigh Tonekaboni, widow, teacher, reportedly spent over five years in prison during the Shah's Government and had been released at the time of the revolution. She was rearrested in 1983. It is not known whether she has been tried or sentenced since then.

170. Ms. Fatemeh Hosseinzadeh Tussi Moghadam, also known as Giti Azareng, aged about 40, widow, employee of an insurance company, was reportedly arrested in April 1983 with her two-year-old son, who was imprisoned with her but later released and handed over to relatives. She was sentenced to 13 years' imprisonment, apparently for having links with the Tudeh Party. Her husband, Saeed Azarang, was executed in the latter part of 1988.

171. On the six allegations described above the Government informed the Special Representative on 22 January 1991 that "Mrs. Fatemeh Izadi, Manijeh Riazi, Faezeh Sabet Jahromi, Fatemeh Sedigh Tonekaboni, Malekeh Mohammadi, Fatemeh Nosseinzadeh Toosi Moghadam, have all served their prison terms and are now free."

172. Mahmoud Hassani was reportedly sentenced to seven years' imprisonment and executed shortly before completion of his prison term.

173. Mahin Jahangiri, 26 years old, was reportedly imprisoned in 1981 in Semiron. After approximately 35 days in prison, she was allegedly executed without trial.

174. Mohammed Gholi Jahangiri, 24 years old, was imprisoned in 1981 in Semiron, and allegedly without any trial, was executed after 35 days in prison.

175. Mr. Amir Houshang Kamrani was reportedly arrested in 1984. In 1986 he was sentenced to 30 years' imprisonment. Since 1988 he has not been allowed to receive visits. His present whereabouts are unknown.

176. Mr. Mohammad-Taghi Rahimpour, assistant lieutenant in the army, was reportedly arrested in 1981, allegedly because the Guardians of the Islamic Revolution were unable to arrest his wife, Ms. Zahra Nouri, accused of being a Mojahedin sympathizer. In 1982, he was sentenced to life imprisonment in a summary trial which reportedly lasted five minutes.

177. Mohammad Reza Sedaghat is reportedly being held in prison without any charge or trial.

178. On these six allegations, the Government stated on 22 January 1991 that "No judicial record is available on Mahmoud Hassani, Mahin and Mohammaed Gholi Jahangiri, Amir Hooshang Kamrani, Mohammad-Taghi Rahim-pour and Mohammad Reza Sedaghat."

179. Seyed Mehdi Nasry, 64 years old, has reportedly been detained since 24 April 1988 without any charge or trial, allegedly because his son was a Mojahedin supporter.

180. Mehdi Vosooghian was reportedly arrested in 1985 and sentenced to four years' imprisonment. After the first year he was tried again and convicted for 12 years. In June 1988, he was reportedly executed.

181. On the two preceding cases the Government replied on 22 January 1991 that "Seyed Mehdi Nasry and Mehdi Vosooghian, whose names had been in the previous list of the Special Representative as having been executed, have no judicial record".

182. Ali Reza Rajai, born in 1957, was reportedly executed in 1989 after six years' detention in Evin, Gohardasht and Ghezel-Hesar prisons. Reportedly, he had been sentenced to only five years.

183. On 22 January 1991, the Government stated that "Ali Reeza Rajai is now free."

184. Sussan Hosseinzadeh-Arabi, born in 1962 in Rasht, was reportedly detained on 15 September 1981 and executed in the city of Rasht on 14 September 1989, allegedly without any trial.

185. Subsequent to the interim report the Special Representative has received communications regarding the following persons who were said to have been detained at some point and whose situation was unclear. He therefore requested the Government to inform him about their fate and/or whereabouts: Ms. Betty Akbarnia, Mr. Davoud Mir Rahimi, Mrs. Zamani, Mr. Jafarpour, Mr. Ahmad Roudaki, Mr. Khalil Ghiassi, Mr. Davoud Mozafar, Mr. Mohammad Aminalreaya, Mr. Nader Afshari, Dr. Assadi, Mr. Manouchehr Motahari, Mr. Norouz Naghizadeh, and Mr. Ahmad Bastan.

E. Freedom of opinion, expression, press and association and right to peaceful assembly

186. It has been reported that the Government continuously intervenes in the free flow of information in the form of letters, telegrams, telexes and telephone conversations. In this connection it was alleged that a large number of disabled veterans have been hired and placed in the communications offices throughout the country to monitor telephone conversations between citizens. Letters coming in and going out of the country are allegedly routinely opened.

187. On 22 January 1991, the Government stated that:

> "as stipulated in article 25, of the constitution of the Islamic Republic of Iran, the following actions are prohibited: Opening or failure to deliver letters; taping or disclosing personal conversations; disclosing telex or telegraph; censorship and eavesdropping; no organ affiliated

to the Islamic Republic of Iran has the right to resort to the above-mentioned acts and the violator will be pursued judicially. As a result, there is no foundation in this allegation. As there is no need for physical capability for jobs as operator in telecommunication company or telephone centres of organizations and government offices, the Government-affiliated organs have been encouraged to employ disabled individuals as operators on a humanitarian basis."

188. It has also been reported that printing houses are required to obtain the prior formal permission of the Ministry of Culture and Islamic Guidance for all publications and that printing paper is attributed by the Ministry only to those publishing houses whose publications have been approved.

189. On this matter, the Government stated, on 22 January 1991, the following:

"As indicated in articles 23 and 24 of the Constitution, inquisition is illegal. The press accordingly are also free to publish unless what they print prejudices the Islamic tenents or public rights;

"The Ministry of Islamic Culture and Guidance has, therefore, invited printing houses to consult with this Ministry prior to their publication in order to prevent the appearance of such articles. The allegation should thereby be rectified.

"In relation to provision and distribution of printing papers in the country, some points need further elaboration:

"(a) As the result of the imposed war and the current process of reconstruction of the country, the Government is not financially in a position to provide all the hard currency needed to import papers. It has therefore been obliged to allocate limited foreign exchange for governmental and co-operative sectors;

"(b) The foreign exchange has three rates in the country: official, export rate and free rate. The official rate is determined by the Government. The export rate is set on the basis of export of goods and the free rate is determined by the market;

"(c) The merchants are free to import printing papers by foreign currency at the export or free rate and the problem has been reduced a great deal in the past two years;

"(d) A limited amount of printing paper is provided by the Government to all newspapers publishing legally and the rest should be provided by the papers themselves. The writers and publishers can request paper and they will receive it when their turnn is due. The allegation should be rectified accordingly."

190. On 27 June 1990, 9 July 1990 and 8 October 1990, the Special Representative sent letters to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva expressing concern about reports received according to which a number of co-signatories of an open letter which Mr. Mehdi Bazargan, Prime Minister of the first provisional Government of the Islamic Republic of Iran, together with 89 other persons,

recently addressed to the President of the Republic, had been arrested. The names of the detained co-signatories of the open letter were given as follows: Abdol Ali Bazargan (son of Mehdi Bazargan), Ezatollah Sahabi (former Director of Planning and Budget), Reza Sadr (former Minister of Trade), Hussein Bani Assadi (former Vice-Prime Minister), Shams Shahabeddini (former Prosecutor of Tehran), Nour Ali Tabandeh (lawyer and former Vice-Minister of Justice), Yadollah Chamse Ardallan, Ali Ardalan, Rochan Ardalan, Farhad Behbahani, Abbas Chaem-Sabahi, Khosrow Mansourian, Hashem Sabaghian, Ezatollah Hamede Sahabi, Mohamad Tavassoli, Akbar Zarrin-Nouf, Mr. Habib Davaran, Mr. Naim Pour, Mr. Amir Tavakol Ebrahimi, Mr. Hossein Shah-Hosseini, Mr. Nezamedine Movahed, Mr. Mahmoud Maleki, Mr. Hormoz Homayezi, Mr. Said Sadr, Mr. Hamid Sadr, Mr. Khosrow Parsa, Mr. Ahmad Shayegan, Mr. Mahmoud Habibi, Mrs. Shahin Parsa, Mrs. Azar Sadr, Mr. Abedi Rahim, Mr. Chaem-sabahi Abbas, Mr. Yahya Habib, Mr. Gorgi Ali and Mr. Sharavi Asghar. Particular concern was expressed over a televised "confession" by Mr. Farhad Behbahani, a member of the dissolved Association for the Defence of Freedom and Sovereignty of the Iranian Nation, in which he reportedly admitted connections between the association and foreign Governments. In this connection, the Special Representative wishes to emphasize that such extrajudicial confessions are contrary to internationally recognized standards of due process. The Special Representative requested the Permanent Representative of the Islamic Republic of Iran to provide him with information about the arrest of these persons, the charges brought against them and about the Association for the Defence of Freedom and Sovereignty of the Iranian Nation, which had allegedly been dissolved as a consequence of the open letter. The Special Representative requested assurances that any persons arrested in the above context would receive humane treatment while in detention and benefit from all procedural safeguards provided for in the International Covenant on Civil and Political Rights.

191. By letters dated 11 and 22 January 1991, the Government of the Islamic Republic of Iran replied that Reza Sadr, Ezatollah Sahabi, Farhad Behbahani, Abbas Chaem al-Sabahi, Mahmoud Naimpour, Nour Ali Tabandeh and Hossein Shah-Hosseini were released on 10 December 1990. It added, with regard to the other detainees, that the Special Representative would be informed of the outcome of the judicial proceedings. The Government further stated the following:

> "Mr. Rochan Ardalan, Yadolah Chamse Ardalan, Mahmoud Deigy, Khosrow Parsa, Ahmed Shayegan, Mahmoud Habibi, Saeid, Hamid Sadr, Mrs. Shakim Chaloosa, Mrs. Azar Sadr, are not among those arrested [as] indicated in above paragraphs" ... "[a] few members of the 'Freedom Movement of Iran' and the 'Society for the Defence of Freedom and Sovereignty of Iran', due to the seriousness of their charges compared to others, were arrested by the court order. They are under interrogation and the court will be held in the near future. A number of these individuals were freed after completion of their interrogation. Any allegation with regard to maltreatment, torture etc. of the inmates, especially on the aforementioned ones, are vehemently denied. On the personal request of Mr. Farhad Behbahani, and according to the rules and regulations of the voice and vision of the Islamic Republic of Iran an

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interview was set by Mr. Behbahani to inform people of the mischieves and wrongdoing of the above-named groups. Since these two groups requested that their members participate in a television interview and respond to issues raised by Mr. Behbahani, the voice and vision of the Islamic Republic of Iran expressed its readiness to co-operate through public notice".

192. Upon completion of the present report, it was further alleged that Mr. Abdolali Bazargan and Mr. Mohammad Tavassoli Hojati are currently being subjected to considerable pressure and possibly torture in order to give televised confessions. Mr. Bazargan was said to have received only one visit from his family since June 1990 and Mr. Tavassoli has reportedly not been allowed to receive any visits since his arrest. The Special Representative wishes to recall that he had asked to meet these two prisoners during his second visit to Tehran but his request was not granted.

193. With regard to the persons recently set free it was reported that their release was granted conditional on the payment of bail. Friends and relatives of the released reportedly had to pledge their business licences or real estate valued at between 1 and 3 million Tomans for one bail. The released allegedly also had to promise verbally or in writing not to divulge information about their detention and the treatment in prison. On 8 January 1991 some of the released persons were reportedly summoned by attorneys of the revolutionary court at Evin prison for further interrogation.

194. The Special Representative has received no information about the current situation of Mr. Shams Shahshahani, Mr. Ali Ardalan, Mr. Khossro Mansourian, Mr. Hashem Sabaghian, Mr. Akbar Zarrinehbaf, Mr. Habib Davaran, Mr. Nezamedine Movahed, Mr. Mahmoud Maleki, Mr. Hormoz Momayesi, Mr. Said Sadr, Mrs. Shahin Parsa, Mr. Ghaemossabahi-Abbas, Mr. Yekta Habib, Mr. Gorgi Ali and Mr. Gharavi Asghar, who were said to remain in detention. On the other hand, unofficial reports were received that Mr. Hussein Bani Assadi, Mr. Abedi Rahim and Mr. Amir Tavakol Ebrahimi were released on 4 January 1991. Dr. Bani Assadi was reportedly also summoned to appear before a revolutionary attorney on 8 January 1991.

195. Additional names of persons from three provinces allegedly arrested as a consequence of the open letter were reported as follows: Dr. Gharawi, from Isfahan, Mr. Ali Gorij, from Mashad and Mr. Yekta, from Tabriz.

196. On 12 July 1990, the Special Representative heard the testimony of Mr. Aboulfaz Khorassani Nejad, who said he was a political science graduate and a reporter for an evening newspaper. He said that his journalistic activities had caused him serious problems; on the one hand, his articles were often censored or not printed and he was not entirely free to practise his profession. On the other hand, because of his articles, he received many letters containing threats from the Mojahedin, which considered him a collaborator of the Government without realizing that his articles were often rewritten. In 1981, he and his wife were assaulted by two individuals armed with revolvers who shot at them. As a result of that attack, his wife died.

197. Many press reports, publications of opposition groups abroad and reports from Iranian sources told of clashes between demonstrators and Pasdaran on the outskirts of Shiroudi Stadium in Tehran. The incidents were apparently set

off by the cancellation of soccer games and the fans' protests turned into political protests. The people demonstrating shouted their opposition to the Government and hurled stones at cars and buildings. Official sources acknowledged the arrest of some 30 demonstrators and added that they were released after interrogation. However, information from other sources accused the Revolutionary Guards of shooting into the crowd indiscriminately in addition to arresting many demonstrators and added that 10 persons died in those incidents and were secretly buried in unmarked graves in Behesht-Zhara Cemetery.

198. On this incident, the Government of the Islamic Republic of Iran stated on 22 January 1991 the following:

> "In early 1990, some clashes occurred among the fans of some soccer teams in Shahid Shiroodi and Azadi stadium in Tehran. Calm returned after the agents of law and order interfered. In this regard, some points should be mentioned here:
>
> (a) It has become a natural phenomenon that in almost every country clashes take place off and on among the fans of soccer teams;
>
> (b) These clashes coincided with the release of the report of the first visit paid by the Special Representative of the Commission on Human Rights. As a result, the groups hostile to the Islamic Republic sought to overexaggerate those incidents in order to divert public opinion from the result of such visit. At that time two groups, namely Derafshe Kaviani and Mojahedin Khalq Organization, claimed that those two groups are totally against one another and this clearly shows the clashes had no political motivation;
>
> (c) As the result of the clashes mentioned above, some people had minor injuries [inflicted by weapons other than firearms];
>
> The security forces prevented the expansion of the clashes and as a result nobody was killed".

199. On 17 April 1990, the Times of London printed a cable from Tehran saying that the police had arrested 65 people in the northern quarter of Tehran because they were shouting political slogans and disturbing public order. The same dispatch told of the arrest of a group of alleged hooligans attending the funeral of Arefz Valizadeh, who had been killed by the police on Monday, 16 April, when they tried to arrest him.

200. With regard to these facts, on 22 January 1991, the Government stated that "Arefz Valizadeh was a merchant of illicit drugs and was involved in blackmailing people in the south of Tehran. The security forces on the verdict of the court tried to arrest him but he was killed in armed confrontation. An officer was also injured. Some of his friends sought revenge, by intimidating the public. They were arrested and after providing undertakings were released".

201. The National Resistance Movement of Iran announced that Mr. Shapour Bakhtiar had called for peaceful marches along the main avenues of all Iranian cities on Friday, 18 May, from 10 a.m. to noon to demand that the Government hold free elections under United Nations supervision. On 19 May 1990, Mr. Shapour Bakhtiar informed the Under-Secretary-General for Human Rights that peaceful demonstrators who had responded to his call to march for free elections had been attacked and beaten by groups supporting the Iranian régime although they had not shouted slogans of any kind.

202. In reply to this information, on 22 January 1991, the Government stated that "the so-called National Resistance Movement of Iran, has claimed that people had gathered around Tehran University demanding free elections. It should be noted that on that day, which was Friday, people converged at Tehran University for congregational Friday prayers as usual, and therefore nothing unusual took place to warrant any arrest. The allegation embodied in the above paragraph has no foundation whatsoever".

203. On 19 February 1990, Kayhan International published a report that the Ministry of the Interior had authorized three political parties and associations to function: Hedayet-e-Islami (Islamic Guidance), headed by Darius Zargari Marandi; the Islamic Association of Graduates of the India-Pakistan Subcontinent, whose president's name was not given; and the Society of Zoroastrian Priests, headed by Ardeshir Azarghoshasb.

204. In several Iranian newspapers extensive reference was made to the elections held on 8 October 1990 for the second term (eight years) of the Assembly of Experts, the highest constitutional body in the Islamic Republic of Iran. The Assembly of Experts is a group of 83 religious scholars of standing whose constitutional duty is to choose the leader of the State or dismiss him as provided for in the constitution. On the same day, elections to the Majlis, (the Parliament) were held in Tehran, Kordkoy (Mazadaran Province) and Fouman (Gilan Province).

F. Freedom of movement; right to leave one's country and to return

205. It has been reported that the Government is maintaining a computerized list of nearly 35,000 names of Iranian citizens who are forbidden to travel abroad. Those Iranians allowed to travel abroad have to pay heavy exit duties and passport fees in addition to airport tax. The reported amounts are as follows: exit duties, $US 625; passport fees, $US 275; airport tax, $US 2,500. A person leaving for a second time during a calendar year is reportedly obliged to pay double the amount of exit fees. Travel agencies, when issuing tickets, are reportedly required to register the travellers' name and address, their destination and place of sojourn, and to report it to the security authorities.

206. On this matter, the Government stated, by letter dated 22 January 1991, that "according to article 41 of the constitution, the courts can only prevent citizens to leave the country. This is done merely on the basis of complaints filed by legal or private persons. This procedure of course requires certain complicated regulations. While denying the allegations in the above paragraph it should be said here that the Government does not prevent any of her

citizens to leave the country since it is the natural right of everyone. Thousands of people daily leave or enter the country; of course, the Government has levied exit taxes for everyone but the fees indicated in the above paragraph are not correct".

207. The Special Representative has received the following complaints of an individual character:

(a) Bahieh Shahidi, 75 years old, housewife. In August 1988, while departing Mehr-Abad for the United States of America, she was reportedly prevented from boarding the aeroplane. Her passport was confiscated under the charge of being a Baha'i, irrespective of the fact that in her passport application she had declared herself as Moslem. She was allegedly told by the authorities that she would be permitted to leave the country if she was willing to sign a statement that she was not a Baha'i. She signed such a statement, but the confiscated passport was never returned to her and she was not permitted to leave the country. All her children are living in the United States of America;

(b) Reza Hadipanah, Iranian resident in the United States of America, sent his passport for renewal to the Iranian Interest Section at the Algerian Embassy in Washington, D.C. in November 1984. He received a letter from the Interest Section stating that his passport had been confiscated because he had participated in anti-government protests.

208. By letter of 22 January 1991, the Government stated that "Mrs. Bahieh Shahidi and Mr. Reza Hadi-Panah, according to passport department of the national police of the Islamic Republic of Iran, have no impediment to leave the country. The allegation of the above paragraph is therefore baseless".

G. Allegations of intimidation or reprisal

209. In its resolution 1990/76, adopted on 7 March 1990, the Commission on Human Rights condemns all acts of intimidation or reprisal, in whatever form, against private individuals and groups who seek to co-operate with the United Nations and representatives of its human rights bodies, or who have sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms. It further requests all representatives of United Nations human rights bodies reporting on violations of human rights to the Commission or to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in the exercise of their respective mandates, to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal, and to devote special attention to the question in their respective reports to the Commission or the Sub-Commission.

210. The Special Representative has received the following complaints about cases of intimidation or reprisal.

211. Achea Ahmadi. It is reported that the family of this person, who was executed in mid-1988, was warned by the prison authorities of the consequences they would face in case news of the execution was made public.

212. In reply to this allegation, the Government stated, on 22 January 1991, that "there is no judicial record available on Mrs. Achea Ahmadi as indicated in above paragraph".

213. It was also alleged that, during the Special Representative's first visit, several persons who had tried to contact him at the UNDP Office at Tehran had been prevented from doing so by Government agents who took them for questioning to various Komiteh installations. In particular, it was reported that a husband and wife (names provided to the Special Representative) had been taken in this manner to a Komiteh at Mottahari Avenue in central Tehran, where they were questioned, intimidated and asked to sign a written commitment not to contact the Special Representative or any member of his team. According to the report, these persons subsequently received several death threats over the telephone and were repeatedly summoned by the Komiteh. It was also said that a great number of potential complainants (former political prisoners or relatives of executed persons) were also threatened over the telephone or summoned to Komiteh installations or the revolutionary prosecutor's office and ordered, under threats of imprisonment or execution, to keep away from the Special Representative.

214. In a letter dated 23 March 1990, Mr. Bazargan, former Prime Minister of the first provisional Government, told the Special Representative that in letters dated 15 and 16 February 1990 to the Prosecutor General of Tehran and the Minister of the Interior respectively, Mr. Tavassoli had reported that he and his family had received threats and abusive telephone calls in the days following his conversation with the Special Representative. He had attached copies of the letters.

215. On 13 July 1990, the Special Representative had an interview with a witness who requested that his name be kept confidential. The witness stated that after the Special Representative had left Tehran, family members and relatives of witnesses who had testified before the Special Representative had received threats or been arrested. He stated further that some prisoners who had appeared before the Special Representative had been tortured and received death threats. At the request of the Special Representative, the witness undertook to provide specific and detailed information about the acts he had denounced.

216. Reference is also made to the allegations reflected in paragraphs 46 to 50 and 52.

H. Situation of women

217. According to reports received by the Special Representative, women in the Islamic Republic of Iran have suffered from various acts of discrimination. Unequal treatment meted out to women has been alleged in the following particular areas.

218. In the family context it has been reported, inter alia, that a husband, father or brother may kill his wife, daughter or sister when she commits an immoral or unchaste act. Further, in case of dissolution of marriage, a mother's right of custody over her children was said to be limited to the son under two years of age and the daughter under seven years, even when the father has died.

219. In the area of equal opportunities for women, it was alleged that women have no access to certain fields of study, e.g. graphics, visual communications and cinematography. Promotional opportunities for women were said to be few, with practically no women in managerial or supervisory positions.

220. With regard to the administration of justice, it was reported that a woman's testimony in court was considered to be worth half that of a man's. Thus, it would take two women witnesses to offset a single male's testimony. It has also been alleged that a virgin woman condemned to death goes through forced matrimony and is deflowered before the death sentence is carried out. In this connection, the Special Representative wishes to emphasize that the Commission's Special Rapporteur on the question of torture considers rape as a form of torture.

221. With regard to the allegations concerning the situation of women, the Government of the Islamic Republic of Iran stated, on 22 January 1991, that "according to the introduction to constitutional law and articles 20 and 21, men and women are equal before the law. Women enjoy all human, political, cultural, social and economic rights, of course within the Islamic context. On the other hand, the Government has the undertaking to provide suitable grounds for exaltation of the personality of women and guarantee their spiritual and material rights. Therefore any claim or allegation on discriminatory behaviour with respect to women is categorically denied. Thus the allegations embodied in the above paragraphs have no bases."

I. Situation regarding the rights of children

222. It has been reported that, according to clause 1 of article 1210 of the civil law, the age of puberty for girls has been determined to be nine lunar years (equivalent to eight years and nine months). At that age, the father or the paternal grandfather reportedly has the right to marry off his young daughter to anyone he considers suitable, in exchange for a sum of money, the so-called Shir Baha.

223. On 22 January 1991, the Government stated that this allegation has no basis.

224. It has also been reported that, according to article 32 of the law dealing with Islamic punishment, physical punishment of children is permitted to the limit of maiming them.

J. Testimonies concerning acts of violence against the civilian population

225. On 23 February 1990, six witnesses members of the Organization for Defending Victims of Violence, an organization established in the Islamic Republic of Iran, requested to be heard by the Special Representative in Geneva. They asked that their names be kept confidential.

226. One witness stated that he used to be a teacher of English and had never engaged in political activities. Since he was bearded, the Mojahedin suspected him of being a fundamentalist and Government agent and made an attempt on his life which resulted in the death of his wife. They advertised the incident as "having executed a Government agent". The witness stated that

he had not been in his wife's company when the killing took place. He promised to send a list with the names of 12 people who, according to him, were also killed by the Mojahedin.

227. Another witness stated that he was an ex-member of the Mojahedin. He had joined the movement after the Revolution, as he had been attracted by its propaganda. For two years he was trained in political activities, such as organizing of public demonstrations and social upheaval. Afterwards he went through a military training period. In the year following his military training he was arrested by the Government and taken to Evin prison. He stated that he had never participated directly in military activities. He was condemned to 10 years in gaol but was released during the general amnesty in 1986 after serving four years. He had knowledge of at least three assassinations perpetrated by Mojahedin agents; the victims were a grocer, a taxi driver and a watchmaker.

228. Another witness stated that he was a medical doctor by profession and an ex-member of the Democratic Kurdistan Party. He had belonged to that Party two years before and one year after the revolution. He alleged that the Democratic Kurdistan Party had received money from the Government of Iraq before the war. In fact, each family involved in this Party had received 5,000 dinars from the Iraqi Government. The Iranian agent for the distribution of money was a man called Abdullah and was presently very influential with the Party. Although he was in exile now, he continued his activities from abroad. The witness expressed the view that the present Government has been lenient and has accepted many facts of Kurdish life, such as publications in their own languages. He further stated that frequently he had received death threats and that many of the people who had a relationship with the central Government had been assassinated. He stated that he knew of the assassination of a woman who was five months pregnant when she was killed on suspicion of co-operating with the Government.

229. Another witness stated that she had joined the Mojahedin for a period of three years through her husband who was a Mojahedin leader. Both had received military training and she had served as a deputy to her husband. They were arrested together and her husband was executed. As his deputy she had initially been condemned to prison for life, but her sentence was later reduced to 10 years. She was released in 1989, after having served six years. The witness further stated that, as an ex-member of the Mojahedin, she could testify to the fact that they were a terrorist group. She had been told by the Mojahedin that certain people were considered as essential to the Government and that if they were killed the Government would collapse. Now she realized that this system of struggle was not rational. One terrorist she had known personally was Mr. Radjavi, who had served in the group of her husband. In 1982 Mr. Radjavi had killed a grocer at Dj'an Houri whose name was Hossein Mehrabanian. Mr. Radjavi had also received the order to kill a wood carver, called Davood Nazeur Baka, who had left the Mojahedin organization. Two other members of her husband's group, who were later caught, had killed a seller of textiles by the name of Haji at Narmak. Another killer belonging to the group was Ali Soleamani who lived at Djavadeeh and had assassinated a housewife. Another terrorist she knew had killed two people, one of whom owned an electricity shop in Jajreesh Street and the other, by the name of Mahmoud, had lived in Tajreesh Street. The witness stated that it was not easy for a member of the Mojahedin to leave the organization and asked the Special Representative's help in this regard. The

witness also stated that, while in prison, she had met a girl by the name of Mozgan Momayoum Far who was a member of the Mojahedin. Her foot had been amputated as a result of an accident she suffered while carrying out a Mojahedin mission; after the accident, the driver had left her without organizing help. Later the Mojahedin publicized the case, alleging that she had lost her foot during her stay in prison.

230. Another witness stated that she had been arrested in September 1971, as she had held responsibility for the protection of one of the private hiding places of the Mojahedin. Five or six persons were living there; one was called Mohammed and was the perpetrator of several assassinations. In 1981 a fruit seller was killed by Mohammed because he supported the Government. Other members of the organization, called Ali-Reza Madani and Reza Ostad Hossein, had killed two college students by the names of Reza Darrsh Vand and Naserh Salem. The entire group was arrested in September 1981. The witness stated that she had first been condemned to a life sentence but that she had been released after six and a half years.

231. Another witness, an employee with Iranian television, stated that when his wife was 16 years old, she had contacts with the Mojahedin organization. After their engagement she left the organization at his request. When they got married, she received threatening letters from the Mojahedin asking her to return to the organization. In 1982, a woman who used to be a friend of his wife, accompanied by three men, went to their house and violently attacked his wife, who was pregnant at that time. As a consequence their child was born disabled and his wife suffers from speech problems.

232. In addition, on 12 July 1990, the Special Representative heard the testimony in Geneva of other persons who had requested hearings and who gave testimony on this question. Some of them asked that their names be kept confidential.

233. Mr. Gazam Faripoor said that his father was killed in 1981 by terrorist groups despite the fact that he was not politically involved. Thus his family became one of the many families victims of terrorism.

234. Another person stated that he had worked with the Mojahedin organization. As a result of his political activities he had served four years in prison, from 1981 to 1985. He is now working in his father's business, but he intends to resume the medical studies he was forced to interrupt to serve his prison term. His applications for readmission to the university have been rejected. He added that many people, including children, were being held prisoner by the Mojahedin.

235. Another person stated that he had been a member of the Mojahedin organization since 1979, the year when he was recruited. At the beginning, he was assigned simple tasks such as distributing propaganda leaflets. Later, he was given more important political tasks, but never military tasks. He stated that in 1981, the organization decided to step up its terrorist activities with the aim of eliminating those it considered to be key people, mainly officers of the army and the security forces. The chief of his cell was Mohammed Moghaddam, who did take part in terrorist activities. The witness says he had to go into hiding and live in a house with his weapons at the ready. In 1983, his house was razed by the security forces and he received a gunshot wound. He was sentenced to 20 years in prison. He appealed the

sentence and the term was reduced to 15 years. In 1987, after four years and three months in prison, he was released under the amnesty decreed that year.

236. Another person stated that his son was killed nine years ago after receiving a number of threats from members of the Mojahedin organization.

237. Another person, a university student, stated that his younger brother had been killed by members of the Mojahedin despite the fact that he was not politically involved. He added that many members of the families of victims of terrorism had not been able to see the Special Representative at that time.

238. Subsequent to the interim report the Special Representative received the following information:

239. It has been reported that Mr. Shah-Kouchaki was wounded in an attempt against his life carried out by members of the Mojahedin organization on 10 January 1986 in Ahwaz. According to the source, two motorcyclists who had their faces covered shot at him with submachine guns. A bullet hit his left shoulder, but a friend called Rajoo, a citizen of Bangladesh, was killed.

240. It has also been reported that Mr. Morteza Gholami-Nejad, a metal technician, was shot dead in Teheran by members of the Mojahedin on his way to the German Embassy in Teheran. A communiqué issued by the Mojahedin organization reportedly stated that he had been executed because he was an agent of the Government.

241. It was also reported that Mr. Mohammad-Ali Faale-Nejad was assassinated on 29 August 1985 by members of the Mojahedin organization. Reportedly the assassination took place in presence of his pregnant wife and his mother.

242. On 29 and 30 January 1991, several witnesses requested to be heard by the Special Representative at the United Nations Office at Geneva. On 29 January 1991 the Special Representative received Ms. Kheradmand, Mr. Seyed Ahmad Bazaz Zadeh, and three other persons who asked that their names be kept confidential.

243. Ms. Kheradmand stated that she had been a member of the Mojahedin organization at the time of her arrest. She declared that she was released after six years of imprisonment and that she had realized how wrong the objectives of the Mojahedin were. She denounced in particular the assassination by the Mojahedin of Mr. Ali Zarkash.

244. Mr. Bazaz Zadeh stated that he was a member of the Pasdaran. He said that, for that reason, three brothers of his had been killed by the Mojahedin.

245. Another witness stated that she was a member of the Mojahedin and that she was arrested two times. She declared that the Mojahedin deliberately misled people about prison conditions.

246. The fourth witness declared that he had been a member of the Mojahedin organization and that he was arrested in 1984. He was sentenced to 20 years' imprisonment but had been conditionally released. He added that despite the fact that he had been involved in subversive activities, he was allowed to see his sick mother and to continue his university studies.

247. The fifth witness reported crimes allegedly committed by armed groups of the Kurdish Democratic Party and the Komola Communist Party in Kurdistan. He added that according to article 15 of the constitution he had obtained permission for the publication of a magazine in Kurdish.

248. On 30 January 1991 the Special Representative received two members of the Organization for Defending Victims of Violence, who requested that their names not be revealed. The first witness stated that he had joined the Mojahedin in 1980 and continued to belong to the military branch of the organization until 1983. He was sent to foreign countries to receive training in subversive and terrorist activities. He stated that he provided the foreign authorities with information about military targets in Iran and co-operated in the recruitment of new members of the Mojahedin. In 1989 he began to realize that he had committed reprehensible acts against innocent people and gave information to the authorities. He was tried and sentenced to death. In 1990 he was released as he had repented. He added that the Mojahedin while killing people in terrorist operations deliberately pretended that the rights of the Iranian people were being violated by governmental authorities.

249. The second witness stated that he was a Baha'i and was detained in 1982. He affirmed that there were no restrictions on minorities in Iran and that Christians are completely free. He added that Armenians have two deputies in Parliament and that most Baha'is freely practise their religion. However, he said that some Baha'is were arrested in the past because of their contacts with foreign powers. He denounced the activities of the Beitoladl Society, based in Haifa which, according to his information, was related to Baha'ism and co-operated with the Israeli Intelligence Service.

K. Freedom of religion

250. It has been reported that the Iranian Bible Society was dissolved by the Ministry of Culture and Islamic Guidance in February 1990, and has failed in numerous attempts to get approval to reopen. The Iranian Bible Society has operated legally and openly for the last 10 years. After its dissolution, its files were confiscated and its staff locked out of the premises. In addition, its executive secretary, Mr. Sadegh Sepehri, his wife and his son, have allegedly suffered harassment and threats of imprisonment.

251. It has been reported that, starting with the academic year 1983-1984, religious education was prohibited in all Christian Armenian schools. New books in Farsi prepared by Muslim theologians were reportedly introduced. It has also been said that as of 1985-1986 all Christian Armenian schoolgirls were forced to wear an Islamic veil, irrespective of the fact that they were already wearing scarves covering their hair and neck. It has also been reported that Armenian clergymen, including the Archbishop, have been prohibited from entering school compounds, while Muslim clergymen have free access. It was also alleged that messages to the students on the occasion of religious holidays have to be submitted in Farsi for approval by the authorities two weeks in advance.

252. It was also reported that the Ardak Manoukian Armenian School was forcibly taken from the Armenian community and transformed into a Muslim school.

253. It was alleged that, in April 1990, Guardians of the Islamic Revolution entered the Sipan Cultural and Athletic Club of the Armenian community, closed the club and detained three members of the board and the office clerk. They were reportedly accused of allowing girls to be present in the premises without headscarves. The four detained persons were reportedly sentenced to 74 lashes for violating the constitution. Allegedly, they were allowed to "purchase" the lashes by paying 70,000 rials each. (See also para. 458.)

254. With regard to the situations of Christians in the Islamic Republic of Iran, by letter dated 22 January 1991, the Government stated the following:

> "It should be noted that: According to article 13 of the Constitution of the Islamic Republic of Iran, Christians are considered as religious minorities and are free in performing their religious rituals and acts in accordance with their canon law as far as their personal status and religious teachings are concerned;
>
> "The Supreme Council of Cultural Revolution of the Islamic Republic of Iran has authorized religious education according to the custom and language of religious minorities. All schools belonging to religious minorities are acting accordingly. Therefore any allegation in this respect is false;
>
> "Christians and other religious minorities in Iran have their own independent schools and their children are free to take any course in undergraduate curriculum;
>
> "All students are obliged to respect the regulations and discipline set forth by the Ministry of Education;
>
> "All women in Iran should observe the special dressing prescribed by Islam;
>
> "The 'Iranian Bible Society' was closed temporarily for wrongdoings and failing to respect the laws and regulations of the Islamic Republic of Iran and violating the rights of the people on the part of the persons in charge of the Society. Their case has been brought to the court and obviously, after the issuance of the verdict and when the situation of the accused becomes clear, the Society could continue its activities;
>
> "All schools pertaining to religious minorities are being administered by themselves and, naturally, the principals of these schools are appointed by them and in accordance with regulations of the Ministry of Education;
>
> "The Aram Manoukian School was put at the disposal of other students for not having enough Armenian students. This has been done with the consent of persons in charge of the Armenian community and according to the agreement; they can restore it whenever it is deemed necessary;
>
> "The Christian Armenian clergymen, including the Archbishop, have free access to school compounds and any allegation on restriction in this respect is invalid;

"Some members of the Sipan Cultural and Athletic Club were arrested for their immoral offences according to the decision of the judicial authorities and they were convicted by the court. It should be mentioned here that Armenians and other religious minorities are free to take part in cultural and athletic activities in their clubs and no restriction whatsoever (including the separation of males from females or observing Islamic veil by women) is imposed in this regard."

255. By note verbale dated 22 January 1991, the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva made available to the Special Representative the text of a communication which the Conseil Apostolique des Arméniens de Téhéran had addressed to the Ministry of Foreign Affairs:

"The Conseil Apostolique des Arméniens de Téhéran has the honour to inform you that, having become acquainted with the report of the Special Representative of the United Nations Secretary-General on human rights concerning his meeting with Archbishop Ardak Manoukian and the Archbishop's statements about the status of Armenians in Iran, it has studied the report minutely and exchanged opinions with the Archbishop, leading it to conclude that the report is high-handed and addresses some persistent problems in a negative - even, on occasion, partial and biased - manner.

"The Conseil would accordingly like to clarify some points so as to correct and provide additional detail for the report. It requests the Ministry of Foreign Affairs to transmit the following to the Special Representative of the Secretary-General or any other organization involved.

"During Mr. Galindo Pohl's meeting with Archbishop Ardak Manoukian on Sunday, 14 October 1990, representatives of the Conseil Apostolique des Arméniens were also present. Before alluding to the 'limited possibility of language training in the Armenian schools' and expressing his regret at 'the lack of religious education', the Archbishop spoke of the preservation of the Armenian language, cultural identity and particularly religion down the centuries, giving lengthy accounts of the Armenians' growing religious sentiment, their increasing attachment to the Church and religious observances after the victory of the Revolution, and their complete freedom to practise religious rites and register their civil status - marriage, divorce, inheritance, etc. - with the Iranian legal authorities in accordance with the requirements and principles of their Church. He also mentioned the community's identity and legal capacity as a religious minority lawfully recognized under the Constitution and its continual active presence, in the person of its elected representatives, in the Islamic Assembly.

"It is regrettable that none of the above points was mentioned in the report. Why should such impartial organizations be made aware of the problems of this community in such an arbitrary, negative fashion - one influenced, at times, by the propaganda of hegemonistic countries? Since the beginning of the Revolution such propaganda has seized every opportunity to harm the Islamic Revolution, making use of sensitive issues in certain communities to sow pessimism and despair.

"For example, one widely exploited issue is the teaching of the Armenian language and religion in Armenian community schools. Yet, under the Constitution of the Islamic Republic of Iran, in keeping with other legislation approved by the Islamic Assembly and communicated to the Ministry of Education, and according to the decree-law recently approved by the Supreme Council of Cultural Revolution, there is no impediment to the teaching of religious rites in Armenian at Armenian schools.

"The Conseil Apostolique des Arméniens understands that the regulations for the application of this law are being drawn up, and we hope they will be communicated and enforced as soon as possible so as to remove even this pretext and prevent foreign propaganda from taking advantage of it.

"Our best wishes for the increasing advancement of the Islamic Republic of Iran, the noble Iranian people and our beloved fatherland, Iran."

256. Subsequent to the interim report, the Special Representative has continued receiving information concerning freedom of religion.

257. It has been reported that Rev. Hossein Soudmand, a Muslim convert to Christianity and pastor of the Assemblies of God Church in Mashad, was executed on 3 December 1990 in Mashad (see para. 72 (r)).

258. Several communications were received which refer to other manifestations of religious intolerance against Christians. The authors of these communications explained that the execution of the above-mentioned pastor had prompted them to bring to the attention of the Special Representative all grievances regarding the enjoyment of religious freedom.

259. In particular they alleged that the pastor of the "Injili" Presbyterian Church of Tabriz was arrested on 7 December 1990 and is being held in the Tabriz prison. It was also said that another Muslim convert from the Niloo Church in Tehran was imprisoned for a month in September 1990. After several days of alleged torture, both reportedly recanted the Christian faith in writing and returned to Islam, thus obtaining their liberation from prison.

260. It has been reported that in 1988, the Ministry of Culture and Islamic Guidance closed a Christian church in Sari, in northern Iran, and the pastor was forced to leave the city.

261. Many Christians in Ahwaz, most of whom are Muslim converts to Christianity, were said to have been imprisoned. Other Christians have reportedly been threatened with imprisonment on numerous occasions. The pastor of the Assemblies of God Church in Ahwaz was allegedly arrested in 1987 and imprisoned for one month and was then taken to Tehran where he was ordered to report to the Komiteh once a week. A short time later, his replacement was allegedly also arrested, imprisoned and then banished to Tehran and the church has been closed by the Ministry of Culture and Islamic Guidance and the church property confiscated.

262. It has been reported that Mehdi Dibaj, who converted to Christianity some 25 years ago, continues to be imprisoned in Tehran. He was arrested in 1983 in the city of Babol and was detained there until the church paid $US 20,000 as security for his temporary release. Shortly thereafter, he was again arrested and allegedly tortured in attempts to force him to renounce Christianity.

263. The Garden of Evangelism, a Christian training centre in northern Tehran which has been used by Christian churches for over 45 years for pastoral training, was said to have been closed by the Ministry of Culture and Islamic Guidance in July 1989. The closing of various Christian churches and bookstores has also been reported. Christian conferences were said to have generally been banned and Government approval is required for Christian weddings or even church outings. It was also alleged that the authorities have reportedly warned Iranian Christians "not to contact the West".

264. It has further been reported that in 1985 the Government required all churches to re-register. Although the Church of the Assemblies of God reportedly submitted all of the required documents over three years ago, the Government has not yet registered it.

L. Situation of the Baha'i community

265. Although no executions of Baha'is were reported since December 1988 and the number of imprisoned Baha'is was said to have declined from 13, as at 28 November 1989, to 7 as at 3 January 1991, it was alleged that a generally discriminatory attitude towards the Baha'i community persisted. A great number of cases were brought to the Special Representative's attention in which termination of discrimination and persecution was said to be conditioned on the Baha'is recanting their faith. It was also asserted that in many cases administrative and judicial decisions concerning Baha'is were characterized by arbitrariness and that the degree of discrimination or tolerance towards members of the community depended to a large extent on the attitude taken by particular authorities or individual civil servants. Baha'is were generally considered as "unprotected infidels" outside the protective precinct of the law and in cases brought before a court their rights frequently depended on the individual judge's good will.

266. On 12 July 1990, the Special Representative received a person who requested to give testimony with regard to the situation of the Baha'is, but asked that his name be kept confidential. He said that he had converted to the Baha'i faith in 1973. He stated that Baha'ism mixes religion with politics. He was forced to attend all the meetings, which drained his physical and psychological energy. In 1988, he converted to the Muslim faith. He stated that nowadays, the Baha'is were free to develop their activities with the consent of the Government. Indeed, he said, it was better to say you were a Baha'i to get work or get a passport more promptly. In his view, there was no discrimination against Baha'ism in education, whether in school or in the university, or in medical or hospital care.

267. Three other persons asked to speak with the Special Representative on 12 July 1990 and requested that their names be kept confidential. They stated that as a result of the Special Representative's first visit to the Islamic Republic of Iran, the Government had released several followers of the Baha'i faith who were being detained, had lifted the ban on travelling in the

country without permission, had facilitated their access to farm property and established special preferences enabling them to obtain passports. According to their reports, one had only to say he/she belonged to the Baha'i to get a passport immediately. The attitude towards the Baha'is in the communication media had also changed for the better. However, they stated that some Baha'is still maintained a posture of confrontation and were trying to create tensions.

268. Reference is also made to the statement reflected in paragraph 249.

269. During the period under review, the Special Representative has received various specific allegations of violations of basic human rights affecting members of the community, accompanied in many instances by official Iranian documents. The information received has been divided into the following categories:

1. Executions and disappearances

270. It has been reported that, since 1979, 197 Baha'is have been executed. The two most recent executions took place in December 1988. Fifteen Baha'is have disappeared and are believed to be dead.

2. Indictment and/or imprisonment

271. As of 3 January 1991, seven Baha'is were reported to be imprisoned. Allegedly none of these cases has come before the judicial authorities.

272. In a letter dated 12 March 1989, the Islamic Revolutionary Court of Gombad referred to the case of Mrs. Bihidukht Tibiyani, belonging to the Baha'i faith, in the following terms: "The case concerning the accusation that you take part in Baha'i activities has been considered by the Islamic Revolutionary Court of Gombad and, in accordance with verdict No. 1684-7 of 26 February 1989, you have been sentenced to one year's imprisonment; the verdict was handed down in your absence since you did not appear before the court."

273. It has been reported that one person was arrested in Tehran on 16 October 1985 because of his participation in Baha'i activities. He was taken to Evin prison and interrogated and was imprisoned there in solitary confinement for four and a half months. On 19 October 1987 the trial was held and he was sentenced to five years' imprisonment. The two years of pre-trial detention were not counted in the sentence and the date of his release was announced to be October 1992. On 11 February 1989 a public pardon of political and religious prisoners was issued. He was informed on 10 May 1989 that he would be released provided he promised in writing not to take part in any activities of the "wayward Baha'i sect". He replied that he would under no circumstances sign such a declaration. The Islamic Revolutionary Court of Shiraz cancelled the pardon and announced the date of his release to be October 1992, adding that if he did not sign the above-mentioned declaration on that date, he would have to remain in prison beyond that date.

274. Mr. Rahim Makhani, a retailer of decorative objects, was summoned by the tribunal at Ramsar to appear in court on 7 November 1989 to answer allegations of being a member of the misguided Baha'i sect.

275. On 3 March 1990, the Commission of Administrative Faults of the Ministry of Education summoned Mrs. Parvin Keshavars Rahbar to present the elements of her defence with regard to the accusation of belonging to the misguided Baha'i sect, for which she had already been condemned to a correctional prison sentence of one year.

276. It was also reported that on 27 February 1990, the Council of Administrative Faults of the Melat Bank summoned Mr. Zekrollah Ismail Arabi to defend himself before the Council with regard to the accusation of being a member of the misguided Baha'i sect.

277. It was further reported that, during August, September and October 1990, three Baha'is were arrested simply because of their religious beliefs; one of them was subsequently released.

3. Dismissal of Government employees

278. In a letter dated 22 February 1990, addressed to Izzatu'llah Nazari, a retired employee of the Baha'i faith, the National Iranian Oil Company stated: "As you have already been informed, in accordance with Civil Court verdict No. h.b. 1236/7 of 15 Ordibehesht 1362 (5 May 1983) and because you belong to the misguided Baha'i sect, you have been permanently disqualified from exercising Government functions and from serving in any Government-affiliated organization".

279. In a letter dated 13 January 1990, the Department of Social Security stated that, in accordance with the decision of the Town Committee of the Manpower Section of the Ministry of Health, Manuchihr Shirvani and Ali Akbar Nawruziyan had been sentenced to permanent dismissal from their posts because they belonged to the misguided Baha'i sect.

280. On 10 December 1989, the Department of Social Security informed the Office of Social Services for the Employees of the Ministry of Labour that, in accordance with the relevant decision, Dhabihuillah Fada'i had been permanently dismissed from his post because of his membership in the misguided Baha'i sect and that payment of his pension continued to be suspended on the basis of verdict No. 28827/6 of 14 September 1983.

281. In a letter dated 25 October 1989, Primary Section of the Administrative Court handed down decision No. 1002 upholding an earlier decision concerning Mrs. Izzat Ha'i Najafabadi who was dismissed from the Ministry of Education and deprived of her retirement because of being a Baha'i. The charges against her were based on Section 2 of Act No. 19 containing the Regulations on Administrative Offences and the decision was declared final, since the plaintiff did not submit any grounds or evidence to change it.

282. In a letter dated 30 September 1989 from the Office for the Investigation of Administrative Offences of the Ministry of Agriculture to Mr. Payduilla'h Ali-Tabar, who had been dismissed from his post, it was stated that the fact that he belonged to the misguided Baha'i sect had been proved on the basis of his confession and statement of 7 April 1982; that the decision relating to his dismissal from his post was therefore valid; and that it was legally unnecessary to submit the case for review.

283. On 12 September 1989, a judge of the Administrative Court handed down a ruling in connection with the consideration of a complaint against the Ministry of Health, stating that Mr. Hushang Gulistani considered himself a member of the misguided Baha'i sect, that an administrative decision of 21 March 1981 had ordered his dismissal from his post and the suspension of his pension payments and that, as that decision had been based on the law, it could not be changed.

284. On 19 February 1989, verdict No. 855 of the Central Council for the Investigation of Administrative Offences described the case in question in the following terms: Mrs. Qudsi Ridvani was registered as a member of the Baha'i sect and acknowledged that she belonged to a Baha'i family and had given that group financial assistance. The Court found her guilty and requested her to return the funds she had sent abroad; and, since the charges against her had been proved, she was sentenced to permanent dismissal from her post.

285. On 6 November 1989, Section 7 of the Administrative Court handed down the following decision: Mrs. Surayya Samimi "admits to having been born in a Baha'i family, but has not made any statement recanting her faith. The Tobacco Products Company has sent her a reply number 42749/24 Mordad 1366 (15 August 1987), stating that she is accused of membership in the misguided Baha'i sect and through the verdict of the Civil Committees and the review of the Reforming Councils, she has been sentenced to permanent dismissal from work and her salary has been cut off. Considering the above ... as well as the fact that her being a Baha'i is confirmed, her objection is overruled and rejected. This is a final verdict and may not be reconsidered in this court".

4. Refusal or withdrawal of work permits

286. In a letter dated 31 October 1989, the National Veterinary Organization informed the Director of the Inspection Group of the Ministry of Agriculture that it was not possible to give a permit to Jamshid Farsi because, in his request of 2 November 1988, he had acknowledged that he was a member of the misguided Baha'i sect, and that sect was an agent of foreign interests and Governments.

287. A letter from the Central Council of Trades of Simnan, dated 20 January 1990, informed a Baha'i, Mr. Afrasiyab Subhani, that his work permit had not been approved and that, as from 21 January 1990, he would have to close his business and return the original permit to the Council. It also stated that, if the order was not complied with, he would be treated in accordance with Act No. 72 of the Union Regulations.

288. In a letter dated 4 May 1989, the Trade Union for Repairs of House Equipment in Gurgan informed Mr. Massud Masudi that, following the investigation which had been carried out confirming that he belonged to the Baha'i sect, the Trade Union was unable to give him a work permit and he would therefore have to close his business.

5. Suspension of pension or salary payments including orders to return salaries received as public employees

289. By a letter dated 13 February 1989, the Assistant-Director of the Department of Administration and Finance of the Organization of Forests and Prairies of the Ministry of Agriculture informed Mr. Hossein Nazeri that the

suspension of his pension had been based on the proposal of the former Committee of Purification of the Ministry of Agriculture and on the order issued on 3 June 1981 by the former Minister of Agriculture, on the grounds of his belonging to the Baha'i sect.

290. On 11 March 1989, the Bank of the People gave the Secretariat of the Banks the following information: "With regard to letter No. 3342, dated 16 February 1982, Mrs. Bihidukht Tibiyani has confessed that she belongs to the Baha'i sect and the payment of her retirement pension has therefore been cut off".

291. On 23 July 1989, the local Health Department in Khurasan sent a letter to the Office of Personnel of the Ministry of Health indicating that Mr. Dhabihullah Dhabini-Muqaddam was a member of the misguided Baha'i sect and that the payment of his salary had therefore been discontinued.

292. On 20 January 1990, the Head of the ITTIKA Company of the Ministry of Defence and Arms Support sent a letter to Mr. Nurullah Baba'i in which he informed him that "on the basis of decisions taken by the Government and the authorities, the people who follow the Baha'i sect will not receive any pension. As you have clearly recognized that you are a Baha'i, no pension can be given to you through ITTIKA factories and through the organizations for pensions".

293. In May 1990, the Administration Justice Court No. 15 issued verdict No. 121, rejecting Mr. Yazdan Bakhsh's petition against an earlier decision to withold his pension.

294. Hushang Tabish, an employee who had worked for the Sadirat Bank, was arrested because he refused to return the salary he had received. After being in prison for some time, he agreed to pay monthly amounts of 3,000 tumans as from October 1988. When he had made seven monthly payments, he decided to stop them. Reportedly the prosecutor is currently dealing with his case.

295. Mrs. Tal'at Mazlumi, a former employee of the Department of Education, was ordered to return the salary that she had received while she was in Government service. The order came from the Prosecutor's Office of Section 1 at Evin prison. The prosecutor's last order that the former employee should provide a guarantee of payment was dated 28 January 1990.

296. Colonel Muhtashimi, a retired army officer, received a summons to appear before the Prosecutor's Office of Section 1 at Evin on 18 February 1990. A piece of land that belonged to him was confiscated as compensation for the pay he had received during his service in the army.

297. Isfandiyar Ghadanfari, Nadir Ghadanfari and Nadir Vahid have been summoned repeatedly. They were taken to Section 13 at Evin prison because they have not provided a guarantee that they would pay back the salaries they received during the time they were in Government service.

298. Mr. Manuchihr Mishn Chi was reported to be held in Evin prison because he would not or could not pay back the salary he had received.

299. Mr. Yusuf Ahmada'i, whose case is with Section 4 at Evin, agreed to provide a guarantee that he would pay back the salary he had received. He has already made two payments.

300. Vahid Sabuhiyan, a former army officer who received an order for the repayment of 153,000 tumans, agreed to pay back that amount, but later decided not to do so and to await official reaction.

301. Mrs. Faridih Ahmadiyyih, a former employee of the Tijarat Bank, received a summons concerning the repayment of salaries from the prosecutor of Section 12 at Evin, dated 5 August 1989.

6. Denial of education

302. Prior to 1988, Baha'i children were reportedly expelled from elementary and secondary schools throughout Iran. However, since then, Baha'i children are generally being admitted both to elementary and secondary schools upon making an application. Recent official documents, however, indicate that incidents continue to occur in which schools refuse to accept Baha'i children.

303. At the university level, Baha'i students are systematically denied their right to education according to testimony received. The condition placed on these students for being allowed to resume their studies is allegedly that they recant their faith.

304. The following specific cases were reported to the Special Representative:

305. On 9 November 1988, a committee to investigate cases of expelled students informed Miss Farzanih Khusravi Hamadani by letter that her case had been considered and that, since she had been banned from continuing her education because she belonged to the Baha'i sect, she would have to publish three announcements in major newspapers recanting her Baha'i faith and that, if she did not do so, her situation would remain unchanged.

306. On 30 August 1989, a secondary school in Tankabun wrote a letter to the Department of Education regarding Mr. Mahmud Mukhta'ri, a father wishing to enrol his son: "According to his clear statement, they are members of the Baha'i sect. This school is exempted from having to accept the student in question in accordance with the rules of the Islamic religion".

307. On 3 October 1989, the Implementation Board of the Ministry of Science and Higher Education addressed a letter to the University of Sistan and Baloochestan opposing Mr. Mehran Ahmadi's continued study in the field of development engineering because of his being a Baha'i.

308. By letter dated 16 October 1989, the Ministry of Education informed Ms. Taraneh Navidi Moghadam, student of English language and literature at the University of Allaheme-Tabatabai, that she had been barred from continuing her studies. She was told that in order to resume her studies, she would have to place advertisements in three widely distributed newspapers stating that she had recanted from the "misguided sect". The letter added that "in the event that these documents are not presented, there will be no change in the decision". A similar letter was sent on 10 November 1988 to Mr. Erfanollah Masoumian, student of mechanics at the University of Babol.

7. Confiscation of property

309. It has been reported that property of individual Baha'is has been confiscated since 1980 and has generally been turned over to revolutionary

organizations and institutions. In some cases it has been put up for auction by the Government. It was also reported that in most cases the confiscation verdicts have not been made available to the Baha'is concerned.

310. Baha'i owners usually objected to the confiscations at auction of their property, but their appeals to the judiciary have reportedly not been successful. Although some high-ranking authorities have recommended that the grievances of individual Baha'is be redressed, their farms and orchards are reportedly still in the possession of officials and individual transgressors. It was reported that, as a result, over 1,000 Baha'is from Boveir Ahmad, 500 Baha'is from Seissan, 150 Baha'is from Ilkhchi, 50 Baha'is from Jassp, and over 300 Baha'is from Eevel of Mazanderan have been uprooted and dispersed all over the country.

311. During the period 1978 to 1981, in the city of Yazd, all the properties and belongings, moveable or otherwise, of 260 Baha'i families were allegedly confiscated or taken, and all the members of these families were expelled and are now scattered all over the country. Since then some of the houses and farms have been sold, some are being let and some were occupied by the Imam Khomeini IMDAD Committee.

312. It has been reported that Mr. Enayatollah Eshraghi, Mrs. Ezzat Eshraghi and Miss Roya Eshraghi, members of the Baha'i community of Shiraz, were executed in June 1983. The family home of Mr. Enayatollah Eshraghi, at 105 Palestine Street, in Shiraz, was confiscated by the Government and will reportedly be auctioned in the near future.

313. In 1989, the Islamic Revolutionary Court of Rafsanjan issued a verdict ordering the confiscation of all the properties and possessions of Mr. Assadullah Sadeghzadeh in the interest of the Islamic Revolution Martyrs Foundation.

314. The Special Representative has also received a copy of a letter dated 16 October 1988, signed by the Head of the Executive Commission of the Ministry of Justice, by which Hojatol-Islam Velayati is appointed as representative of the Executive Commission in the province of Ilkhaji. The appointment is accompanied by the following instructions: "(1) Identify the belongings of the runaway Baha'is of Ilkhaji; (2) Facilitate the sale of the perishable goods among these belongings at the day's prices and deposit the amount received from the sale of these goods into Account 4 at the Melat Bank of Ilkhaji which has been opened for this purpose; (3) Prevent persons from using various pretexts to take possession of such goods; (4) Mediate on behalf of this commission in the event of a dispute and have any such matters brought before the court".

8. Other incidents of economic discrimination

315. It has been reported that the Baha'is in the Islamic Republic of Iran are still beset by various forms of economic discrimination. The restrictions imposed upon them include denial of commercial licences, prohibition of business transactions, violations of the right to own property, deprivation of the right of inheritance and the impossibility to seek employment in the nationalized industry or public departments.

316. Although in some cases Baha'is have recently been granted work permits in the private sector, documentary evidence submitted to the Special Representative shows that in other cases Baha'is continue to be denied such permits on the grounds of their religious beliefs.

317. The Special Representative has also learned that in January 1990 two Baha'i families applied and received certificates of successorship.

318. Reportedly there is a considerable number of Baha'is throughout the country who remain unemployed because of dismissal in the early 1980s. The number of Baha'is dismissed from posts in education and government allegedly exceeds 10,000. These Baha'is receive no unemployment benefits.

319. It appears that Baha'i families are now generally receiving foodstuff allowance booklets and coupons. It was added, however, that incidents are still occurring where Baha'is are being denied such booklets. In one document submitted to the Special Representative, the Islamic Council on Supervision and Distribution of Goods of the Department of Commerce had stated the following: "We hereby respectfully inform you that the ration card of Mrs. Ishrat Shahriyari has been confiscated and invalidated because she is a Baha'i".

9. Right to leave one's country and to return

320. It has been reported that hundreds of Baha'is have applied for passports to travel abroad in order to visit their children or relations and seek medical treatment. Their applications have reportedly been sent to the office of the President for approval, but only 24 persons have received exit permits.

10. Restrictions regarding religious activities

321. It has been reported that Baha'is continue to be deprived of the right to freely express and manifest their religious beliefs. They continue to face restrictions as regards the right of assembly and the right to maintain the administrative institutions of their faith. All of their holy shrines, historical sites and endowments reportedly remain confiscated and have, in some cases, been destroyed or desecrated.

322. As of late 1989, Baha'is have been allowed to bury their dead in Baha'i cemeteries. In most cities Baha'is are now permitted to have their own cemeteries and to hold funeral meetings without restriction as to the number of persons attending.

323. The ban on other Baha'i meetings has been partially lifted so that up to 15 individuals are now permitted to meet for special events.

324. It was reported that on 19 December 1989, Mr. Seyyed Mohammad Razavi Yazdi, Representative of the Parliament, addressed a letter to Mr. Hedayatollah Jamshidi stating that "Baha'ism is not a religion. It is a misguided political sect that the foreigners have created to bring discord and conflict among Muslims".

11. Discrimination in the military service

325. It has been reported that on 23 June 1989, the Vice-Director of Nazaja Personnel Division addressed a letter to Army staff containing the following instructions:

> "1. The commanders of the educational centres have the duty to report those who are followers of the misguided Baha'i sect to the section for security and information of the relevant Yikan unit.
>
> 2. That unit, while observing all necessary precautions, should carry out the duties according to known guidelines.
>
> 3. They should, while evaluating the situation, take action to guide them to the straight path.
>
> 4. After transferring these individuals from the educational centres, their records should be forwarded to the Yikan unit of their place of service.
>
> 5. The commanders of the Yikan unit, after obtaining the opinion of the security and information unit, should decide about the services to which they will be appointed."

326. It has been reported that the Office of Inspection-Assistant of the Army Division stated on 19 October 1989 that no followers of the misguided Baha'i sect should serve at Headquarters and in places which require the observance of the purity regulations.

327. According to a recent instruction Baha'i conscripts are now permitted to benefit from the general regulations concerning the rights of married conscripts.

III. REPORT ON THE SECOND VISIT TO THE ISLAMIC REPUBLIC OF IRAN

A. Introduction

328. The second visit to the Islamic Republic of Iran was made from 9 to 15 October 1990. The exchange of letters and notes concerning this visit has been referred to in paragraphs 22 to 26 of the interim report (A/45/697). The Special Representative was accompanied by three staff members of the Centre for Human Rights and a United Nations interpreter. The Special Representative acknowledges and expresses his appreciation to those members of the Secretariat for their efficiency and co-operation. He also wishes to mention the co-operation of Mr. Per Janvid, Resident Representative of the United Nations Development Programme (UNDP), who, as he had done on the first visit, spared no effort to assist the Special Representative and his team members in accomplishing their task and in achieving their objectives.

329. By a letter dated 17 September 1990, the Special Representative had requested the Government to arrange for the following appointments with official or religious personalities: the Ministers for Foreign Affairs, Interior, and Culture and Islamic Guidance, the Head of the Judiciary, the President of the Supreme Court of Justice, Ayatollah Montazeri and Ayatollah Ja'afari, the Special Prosecutor for Drug Trafficking, and a senior president of a revolutionary court. By a letter dated 5 October 1990, the Special Representative added the Minister of Intelligence to the list of requested appointments.

330. The Special Representative also requested the Government, by a letter of 17 September 1990, to arrange a visit to Evin prison and pointed out that he would ask to visit one or two other prisons in the Tehran area, if considered necessary. He further indicated that it would be his intention to conduct hearings, in private, with prisoners of his choice, the names of whom would be communicated in due course. The Special Representative also stated that he would appreciate being given the opportunity to be present at trial proceedings of a revolutionary court concerning an offence for which capital punishment may be pronounced.

331. In the first meeting with the Deputy Minister for Foreign Affairs, Mr. Manouchehr Mottaki, the Special Representative was handed a programme based on his aforementioned requests. In the course of the visit, the programme underwent a number of changes, some of which were requested by the Special Representative, who asked, in particular, that Saturday, 13 October 1990 be entirely devoted to the hearing of prisoners. The meeting foreseen with Ayatollah Montazeri, at the latter's request, had to be postponed from Wednesday, 10 October 1990 to Friday, 12 October 1990 and was eventually cancelled by the Ayatollah. The Special Representative, therefore, requested, in line with the written indication given in his letter of 17 September 1990, that he be permitted to visit Gohardasht prison in the afternoon of 10 October 1990. However, the Ministry of Foreign Affairs informed the Special Representative that it was not possible to comply with the request. The Special Representative further asked for assistance of the authorities in enabling him to meet Ayatollah Seyed Abolfazl Musavi Zanjani. It did not prove possible to have this visit arranged through official channels. The Special Representative was, however, able to make arrangements for a meeting with the Ayatollah directly and met him on 9 October 1990.

332. The programme of official meetings that took place during the visit is reproduced in appendix III of the interim report (A/45/697).

333. On 9 October, the Special Representative and his team members co-ordinated their own programme of work with official proposals and incorporated the activities they would conduct without official contacts or assistance. This programme was considered chiefly with a view to allotting time for the examination of specific cases, mainly of prisoners and for interviews with a number of personalities in Iranian public life and individuals who, through contacts in Geneva, seemed willing to provide information on their experiences and observations concerning human rights.

B. Meeting with representatives of the executive and judicial branches of Government

334. The following paragraphs summarize the highlights of the interviews conducted by the Special Representative with governmental authorities. They are in chronological order.

1. Meeting with the Deputy Minister for Foreign Affairs

335. The Deputy Minister for Foreign Affairs, Mr. M. Mottaki, thanked the United Nations mission for coming and said that the first visit had opened a new chapter in the relations between the Islamic Republic of Iran and the United Nations. He pointed to the expanded role of the United Nations in world affairs and said that the end of the cold war would open a new chapter in international relations. Disarmament and human rights will be the two basic issues of the new age. The Islamic Republic of Iran is strengthening its spirit of co-operation with all nations and with the United Nations. The search for negotiated solutions to all international problems is another feature of the new age. The issue of human rights figures prominently among the concerns and goals of the Islamic Republic of Iran.

336. Mr. Mottaki said that the Islamic Declaration of Human Rights had been adopted by experts at the Islamic Conference and that the Declaration was taken up and adopted at the meeting of Ministers of the members countries of the Islamic Conference held at Cairo.

337. Mr. Mottaki said that the Government of the Islamic Republic of Iran had examined closely the recommendations of the Special Representative. The Iranian Government was now in a position to refute the false allegations made by its political enemies. A Human Rights Department has been established in the Ministry of Foreign Affairs. Two seminars have been held in Iran - one locally, dealing with a comparison of human rights in the West and in Islam, and another dealing with Islam and Christianity from a human rights perspective. Preparations are under way for a third seminar in co-operation with the Centre for Human Rights planned for late January or early February 1991.

338. Mr. Mottaki considered eight categories of recommendations issued by the Special Representative and said that they have all been considered by the Government. Substantial action has been taken on each recommendation. A letter addressed to the Special Representative summarizes the measures taken (see A/45/697, para. 12).

339. Mr. Mottaki referred to a pending matter: visits to prisons by the International Committee of the Red Cross (ICRC). The Red Cross has already been notified that the Government is prepared to allow visits by ICRC. The Special Representative could visit any prison he liked.

340. The Islamic Republic of Iran abides by the teachings of Islam and wishes to co-operate with the international community, but this does not mean that it is prepared to disregard Islamic principles. The United Nations should distinguish between those States which systematically violate human rights and whose conduct derives from high-level policy, and those countries which occasionally commit a few violations.

341. The Special Representative expressed the hope that the discussions with ICRC with a view to reaching a concrete agreement on visiting prisons could be concluded very soon. Mr. Mottaki replied that his Government saw no problem whatsoever in reaching an agreement with ICRC and hoped that visits to the prisons would begin very shortly.

342. The Special Representative referred to two memoranda submitted recently and reiterated the importance of receiving official replies. Mr. Mottaki announced that the Special Representative would begin to receive specific replies in the course of his visit.

343. The Special Representative gave Mr. Mottaki a list of 202 prisoners in connection with whose whereabouts, arrest or possible sentencing (see A/45/697, appendix II), information had been requested and submitted the names of 26 prisoners he wished to visit. This list of 26, reproduced in appendix IV of the interim report, contained names of persons about whom the Special Representative had received information during or after his first visit to Iran.

344. The interview concluded with an official statement by the Government that it would co-operate fully with the United Nations in general and the Commission on Human Rights in particular.

2. Interview with the Minister of Intelligence

345. On Wednesday, 10 October, at 9.30 a.m., Hojatolislam Fallahian, the Minister of Intelligence, was interviewed. The Special Representative requested clarification of certain matters which had arisen in the course of the investigations. In particular, he asked questions concerning the following: the role played by information or intelligence officers and agents in the trial of prisoners, chiefly in cases submitted to the revolutionary courts; the specific role of intelligence agents who worked with the prosecution and, particularly, their participation in interrogations; the hierarchical relationship between intelligence officers, Komitehs and Pasdaran (Revolutionary Guards); and the degree to which intelligence agents could act on their own initiative without express orders from their immediate superiors.

346. The Minister spoke of plots against the Iranian nation and then referred to observations in the Special Representative's reports, which, in his view, did not do justice to Iran. With regard to the activities of his Ministry, he recounted many incidents of past years and referred to the hostile attitude of the foreign media. He said that the function of his Ministry is to prevent

and bring to light cases of espionage and to preserve the culture and integrity of the Iranian nation. According to the Constitution, the people's rights must be respected and intelligence agents must act within the law both in making arrests and during trials. He then referred to bands of smugglers who attack private homes and mentioned cases of persons who had recently been killed by smugglers.

347. The Minister went on to say that the Constitution establishes three branches: legislative, judicial and executive. In the executive branch, the revolutionary Komitehs and the Pasdaran maintain public order and security and are accountable directly to the President of the Republic; however, they perform their duties in respect of citizens' rights under the supervision of judges. The Pasdaran are under the Ministry of the Interior for matters of public order, under the Ministry of Defence for military matters. The Komitehs are under the Ministry of the Interior, and the intelligence officers, under the Ministry of Intelligence. Co-ordination takes place at the highest level, that of the President of the Republic.

348. Commenting on the role of intelligence officers at trials, he said that it was not true that judges consulted them during the trials. In many cases, the judges do not accept testimony by intelligence officers and deny them permission to arrest suspicious persons. Indeed, while intelligence officers did participate in interrogations, they do so under the supervision of the judges. It is not true that they use any means, including violence and torture, to obtain confessions.

349. Intelligence officers take orders; they are not independent agents. In certain cases, they may take initiatives, for example, when they see someone trying to enter the country with a false passport or someone planting a bomb. In such cases they can arrest the culprits. However, they must so advise the judge within 24 hours and he must decide whether or not there are legal grounds for the arrest. There is a department which oversees the activities of these agents and is responsible for punishing them. In some cases, they are referred to an administrative tribunal and, in very serious cases, to a military tribunal. Many agents have been dismissed or sentenced to prison terms.

350. The Minister reported that in addition to the Pasdaran, the Islamic Revolutionary Committees, the officials of his Ministry, the police and the gendarmerie were responsible for preventing and investigating ordinary crimes like homicide and robbery and ensuring the safety of the citizenry. Both police forces were under the supervision of the Ministry of the Interior. Lastly, the Minister of Intelligence said that, in his view, the Special Representative should focus the attention of world public opinion on the acts of aggression committed against the Iranian nation and adopt a clear stance denouncing and condemning acts perpetrated by terrorist organizations. He added that the family and relatives of the martyrs and victims of terrorism shared that feeling.

351. Responding to a question from the Special Representative, the Minister said that there was no prison attached to the premises of the Ministry of Intelligence and that all detainees were subject to the authority of the Prison Organization. He then invited the Special Representative to visit the building complex where the Ministry has its offices so that he could make sure that there was no prison attached to or included in the building complex where the Ministry is located.

3. Interview with the Special Prosecutor for Narcotic Drugs

352. The Special Representative submitted the following questions to the Special Prosecutor, Hojatolislam Zargar: (a) How many drug traffickers have been executed in 1990? (b) How many are currently tried? (c) How many of those being tried may be condemned to death? (d) How many of those condemned to death have seen their sentence commuted? (e) How many executions in public or mass executions have taken place during the last few months? In reply to these questions, the Prosecutor stated the following:

353. He said that the number of traffickers who have been arrested since the first visit, including traffickers and consumers, comes to 9,201, of whom 8,898 are addicts and have been sent to rehabilitation centres. Rehabilitation centres are still inadequate and, for that reason, the Government has requested assistance from international organizations. The remaining 303 are traffickers. Not all of the 303 traffickers can be given the death penalty; some will be sentenced to prison. Of the groups previously sentenced to death, six have had their sentences commuted.

354. The Special Prosecutor said that the 1990 capital punishment figures are lower. In 1989, 4,113 persons were pardoned. Of those, 2,259 were released and 1,854 had their sentences commuted. Many obtained permission to live at home for three days and some were already enjoying this benefit for the sixth time.

355. He also stated that there had been no public executions since the first visit. At times 15 or 20 persons were executed in the prison courtyard. The Special Representative emphasized two points: the need to guarantee due process of law to traffickers and to reduce significantly the number of death sentences pursuant to the International Covenant on Civil and Political Rights.

356. The Special Prosecutor referred to opium that is being processed into codeine at laboratories under his supervision. The codeine will be transferred to the Ministry of Health. A total of 1,320 kilos of heroin and 9,090 kilos of opium were confiscated in the first six months of 1990. Those drugs were largely intended for European countries.

357. The Special Prosecutor said that he would obtain an exact figure showing the number of persons executed in 1990 for the Special Representative through the Ministry of Foreign Affairs because he did not have it available at that time. The Special Representative asked whether consideration had been given to transferring jurisdiction over such crimes from the revolutionary courts to the ordinary courts, and the answer was no.

358. At the suggestion of the Special Prosecutor the Special Representative briefly met two detainees convicted on drug trafficking charges who were working on the premises. One of them, who had admitted carrying 20 kg of opium from Kerman to Tehran, had been convicted to 18 years of imprisonment. The trial before the revolutionary court took place two years after his arrest. His sentence was later commuted to five years. The other prisoner had admitted carrying 7 kg of opium and was first convicted to a penalty of 1 million rials. The Special Prosecutor, however, had protested against the sentence and one year thereafter, he was sentenced anew to 16 years of imprisonment. In 1987, the sentence was commuted to 15 years. Both were tried before revolutionary courts without the assistance of a lawyer. One of

them stated that the interrogators had beaten him during the period of investigation in order to obtain his confession. Both prisoners stated that their condition had improved, since they could now work on the premises of the Special Prosecutor. Once a month they were granted leave, usually for a period of three days.

4. Interview with the Commission on article 10

359. The Chairman of the Commission, Deputy Asgharzadeh, explained that the Commission on article 10 is composed of representatives from the three branches of government. The purpose of the Commission is to apply the constitutional principle of the people's right to form associations in general and political parties in particular. The Commission is made up of two members of Parliament, two from the judicial branch and one from the executive branch. The Secretary of the Commission is independent and the Minister of the Interior carries out the decisions of the Commission.

360. The procedure is as follows: whenever a certain number of citizens wish to form a political party, they register the members' names and the leaders submit their personal documents and a charter of principles and objectives. The Commission considers such requests at its weekly meetings. The applicant's background is investigated, on the basis of reports from the security and judicial authorities.

361. The Commission has four divisions: (a) The religious division, which places restrictions, for example, on autonomous groups or sects, which do not have the right to form associations; (b) The trade union and crafts division; (c) The division that deals with political groups wishing to function as political parties which are subject to restrictions relating to public security and co-operation with foreign political parties; and (d) The division that handles associations of groups engaged in social activities - i.e., cultural or technical activities. Requests are considered in the order that they are received and authorization is granted to associations that are not political more promptly than to political parties. In the past year and a half, 20 to 22 associations were approved. Seven requests from minorities (Armenians), and a request from a political group in Tehran and another in the province of Khusestan are being considered.

362. Replying to a question from the Special Representative, the Chairman of the Commission said that the request from the Association for the Defence of the Freedom and Sovereignty of the Iranian Nation is under review. As long as some leaders of this group are having security problems, this association cannot be authorized. Some members of this group are on trial and in prison on charges of espionage.

363. The Special Representative also enquired about the reasons for the dissolution of the Bible Society. The answer was that it had been asked to appear before the Commission several times and bring its activities into compliance with the law. The Society also required authorization from the Ministry of Culture. Since it failed to submit that authorization, its activities were suspended. The Special Representative learned from a well-informed source that the Ministry of Culture and Islamic Guidance had refused to grant the authorization.

364. The Special Representative explained his ideas on the responsibility of individuals and societies and suggested that the doctrine which clearly

distinguishes between the responsibility of individuals and the responsibility of associations should be accepted and applied. In his view, he continued, Iranian law projected onto associations what was exclusively the responsibility of the individual members. He was told in reply that this theory would presumably be taken into account when Parliament reconsidered the law on political parties.

365. The Secretary said that the Commission has had difficulty in applying the law in force and that revisions have been considered and proposed for submission to Parliament.

366. A discussion ensued on whether activities for the protection of human rights are considered political. The answer was that this topic has been debated time and again. The defence of human rights is in the interest of the people; however, certain groups claim to be defending human rights in order to mask political activities - at times, political activities designed to destabilize the Government.

5. Interview with the Deputy Minister of the Interior

367. Deputy Minister Atrian-Far said that it was natural that the Special Representative should have identified a number of ambiguous situations on his first visit; he hoped that any such situations would be cleared up during the second visit. Some ambiguities concerned the revolutionary courts, while others concerned political parties.

368. Concerning the unification of the police, Pasdaran, Komitehs, gendarmerie and judicial police, their co-ordination had been entrusted to the President of the Republic with a view to improving their functioning and thereby guaranteeing citizens' rights. A bill for the integration of those security and protection forces had been approved. A thousand hours of work with experts had been devoted to the issue and the act was being implemented.

369. The Ministry of the Interior must provide an organizational chart and job descriptions in order to implement the act within a year. Two months had gone by and the integration of all police forces would be complete within 10 months. Their integration would considerably enhance efficiency.

370. The Special Representative asked about the press. The Deputy Minister told him that the Ministry of Culture and Islamic Guidance would give him more information on that subject. He then gave some details. Anyone that was qualified to do so could publish ideas or news with his own resources and means. The Government considered it its duty to provide facilities to people who wished to engage in news activities and it therefore gave permission for the import of machinery and paper. The Government welcomed anyone who wished to engage in journalism, and also accepted criticism if it was presented "earnestly and truthfully". Newspapers and magazines contained abundant criticism of the Government. The same approach was taken with political parties. The Government could not renounce that principle. Everyone must adhere to one basic, inviolable principle, namely, respect for the Constitution. The press and political parties must accept and adhere to the Constitution. That imposed certain responsibilities on writers. The Ministry of Culture and Islamic Guidance was responsible for applying the Constitution and therefore monitored publications and associations. It was lenient with them, however, even when there was cause for severity.

371. No newspaper sent its articles for prior review by the authorities, but if an article was published containing erroneous or untrue information or if someone was insulted, the newspaper must give equal space to a correction. Otherwise, the complainant could take legal action.

372. In the past 10 years, over 50,000 books on different topics had been published. The organization which had oversight of books monitored publishers' activities. It also studied books before they were published and if it found them contrary to the Constitution or liable to corrupt or offend public dignity, it could ask the authors to correct the inappropriate or detrimental parts. The problem was almost always solved by negotiation and the authors were satisfied with the outcome.

6. Interview with the Deputy Minister of Culture and Islamic Guidance

373. Deputy Minister Aminzadeh said that he was sceptical about the activities of international organizations and that it would be a long time before Iran solved its international problems.

374. The Ministry of Culture and Islamic Guidance was the product of the merger of two ministries, the Ministry of Art and Culture and the Ministry of Information and Tourism; the merger had been designed to enhance their functioning. The Ministry of Culture and Islamic Guidance worked with cinema, theatre, the performing arts, music, publications, books, art (painting, drawing, etc.), press, radio, television, printing, tourism, and pilgrimages to holy places. Radio and television were under the joint supervision of the three branches of Government.

375. The Government had never been opposed to foreign films and television but had put a stop to propaganda that caused moral corruption. The same was true of music: the Government had never been opposed to music but had eliminated certain kinds of music which encouraged prostitution and corruption. The same had happened with other forms of artistic expression such as painting. Iranian films had won international prizes. Artists were aware that limits had been drawn to prevent corruption and that they must not overstep those limits.

376. Before the Revolution, many books had been banned. After the Revolution, the number of books published had increased enormously. There were sometimes arguments about permission to publish a book. When a book contributed to prostitution and corruption, its publication was not permitted.

377. The press enjoyed protection and freedom, but anything that was contrary to Islam and public order was inadmissible. The press promoted Islamic values, opposed colonialism, promoted morality and upheld the policy of "neither East nor West". The committee that granted permits for the founding of newspapers was made up of representatives of the three branches of Government, the universities, publishers and the Ministry of Culture and Islamic Guidance. There were 15 daily newspapers and 300 monthly, weekly or bimonthly magazines.

378. The Special Representative asked what action the Ministry took with regard to the day-to-day activities of newspapers. He was told that if a newspaper insulted Islam, the Leader or the Government, it could be penalized by cancellation of its operating permit.

379. The Special Representative referred to the distribution of paper. The Deputy Minister replied that his Ministry distributed paper. Any authorized newspaper was entitled to the paper it needed. There were limitations on the allocation of paper. For instance, Kayhan and Ettelaat were daily papers with the potential to increase their circulation but there were limits on the amount of paper the Government could distribute at a relatively low price. No limitations had been placed on the amount of paper that the opposition press could receive.

380. The Special Representative asked about the conditions for distributing paper for books. Paper was supplied to printers or authors. Books needed authorization before they could be published. There had been criticisms when the publication of some books had been allowed, but the only criterion for authorization had been moral, never political.

381. The official interview over, the Special Representative talked to working Iranian journalists in the same building.

7. Interview with the President of the Supreme Court of Justice

382. The President of the Supreme Court of Justice, Ayatollah Moghtadaei, said that according to Islam, judges were answerable before God and sat among the prophets and that the place of trial was the place of God. Under Iranian law, a defence lawyer was necessary and mandatory and both the accused and the lawyer were given certain facilities. Sentences could be brought to the Supreme Court on appeal or for review. When the accused had not had a lawyer, the Supreme Court revoked the sentence. Parliament had just adopted an act on procedures under which, once the case was concluded, it was considered res judicata. The act enabled the President of the Supreme Court to consider the case and decide whether it needed to be reviewed.

383. Under the Islamic judicial system, all individuals were equal. Only recently, at an annual nation-wide seminar, the President of the Republic had expressed satisfaction that the judiciary judged law-breakers strictly and equally. The Islamic legal order had special features with regard to respect for human rights. Iran was prepared to exchange views on those matters, to pass on its experience to others and to learn from the experience of others.

384. Under the Islamic legal order, the purpose of bringing a person to trial was not punishment but rehabilitation. If the prisoner showed that he was sorry and could be rehabilitated, he was included in the list of those eligible for amnesty, even if much of his sentence remained to be served. Amnesty was granted to groups and individuals. Only rarely did prisoners remain in prison for the full term of their sentence.

385. No one was ever arrested because he adopted a different ideological line from the Government. Baha'is were not arrested because they were Baha'is, but for specific offences. The same was true of political prisoners: if they were arrested and executed it was because they had been involved in acts of violence. If the detainee or accused repented, he could be amnestied, even if he had committed horrendous crimes.

386. Another question related to the campaign against drugs. The judiciary was determined to take vigorous action in that regard. Drugs were a problem in the country. Cases came to the Supreme Court, where they were reviewed. A sentence could be applied only with the approval of the Supreme Court.

387. The Special Representative asked about cases in which a number of years elapsed between the guilty verdict and the actual sentencing. The President replied that that sometimes happened because further investigations were conducted. On other occasions, the prisoner could not be informed of the sentence because the case was awaiting review. The sentence was made known only when the Court had approved it. The prisoner could appeal once he was informed of his sentence. Prisoners sometimes did not know that their case had been passed on to the Supreme Court, which was why they complained and felt that an excessive period of time was elapsing between the guilty verdict and the sentence.

8. Interview with the Political Deputy to the Head of the Judiciary

388. The Political Deputy, Mr. Badamchian, said that the Freedom Movement and the Association for the Defence of Freedom and the Sovereignty of the Iranian Nation had published their manifestos freely during the war, even when these dealt with sensitive issues that affected national security. The Freedom Movement had not been authorized, but it had been active recently. Mr. Bazargan and other members were at liberty; other members of the Freedom Movement had been arrested on serious charges.

389. The Association for the Defence of Freedom and the Sovereignty of the Iranian Nation had been operating without authorization. It had declared its existence without authorization and had published illegal declarations; many of its members were actively involved in politics. Some of its members were being tried on serious charges. The Association had not been set up to defend human rights but as a cover for illegal political activities.

390. The Special Representative said that, according to the information he had been given, the two groups had submitted applications in due form but had been denied authorization. Their property had been confiscated or frozen, since the authorities had occupied them, and their documents had been seized. The Freedom Movement had existed prior to the Revolution and had simply been required to adapt to the new legal statute. The Movement had filed an application and documents with the Ministry of the Interior and since the Ministry had not raised any objection within three months, the Movement had been tacitly authorized under the law in force.

391. The Political Deputy replied that the Movement had engaged in sabotage and had had contacts with the country's enemies abroad. While it was true that it had been recognized before the promulgation of the new act on political parties and after it had filed an application with the Ministry, the application had not met the necessary legal requirements and the Movement could not be authorized. The members of the Movement had not been acting in good faith. The act which said that if no objection was raised within three months, the applicant organization was automatically recognized did not apply in that case.

9. Interview with the Head of the Judiciary

392. The Head of the Judiciary, Ayatollah Yazdi, said that the main source of Iranian law was the Holy Scriptures, which were intended for mankind's salvation. The Koran said: "I respect and honour mankind".

393. The Special Representative drew the following situations to the attention of the Head of the Judiciary: (a) public trials were impossible in prisons; (b) some people who had been condemned to death had not had lawyers, and a person accused of spying, for which he could be sentenced to death, had been tried two years previously and still did not know his sentence; (c) the question of the applicability or the repeal of article 11/2 of the Administrative Regulations governing the Revolutionary Courts and Public Prosecutor's Offices of 1979.

394. The Head of the Judiciary said that there was a principle whereby the interests of society must prevail over the interests of the individual. The international community paid little attention to that principle because the issue of human rights had been politicized. Such politicization undermined the enjoyment of those rights. In eight years of war, the international community had never concerned itself with the crimes perpetrated against the Iranian people. He then referred to recent events in Palestine and to the Gulf crisis.

395. The Head of the Judiciary went on to say that no legal system protected human rights as thoroughly as Islamic law. The best evidence of that was the existence of groups which were opposed to Islamic principles, expressed their views publicly and were left in peace as long as they did not engage in armed action.

396. Concerning the openness of trials, he said that court sessions were held at the Palace of Justice in the city centre and that no less than 20 trials were held each day, all of them public. When citizens were interested in a case, larger premises were used. At Evin prison there were restrictions on access, but the principle of public trials was in force. In any case, the judge could prohibit access for reasons of public order.

397. Everyone was entitled to defence counsel and when the accused could not obtain it, the court provided it. Since that was the accused's right, if the accused said that he considered himself better equipped than the lawyer to conduct his defence, he was not forced to accept the lawyer. The Special Representative said he had observed that, in practice, accused persons tried by the revolutionary courts did not have a lawyer.

398. The Head of the Judiciary said that in the case of ordinary offences, when the parties reached a compromise, the proceedings ended. In cases of espionage, after the accused had been arrested and the accusation substantiated, the investigation and gathering of evidence began. Evidence was weighed by the judge. If it was deemed adequate, sentence was passed.

399. Crimes could be committed by individuals or groups. In the latter case, the accused could not be informed of the charges against them during the investigation stage because that would prejudice the outcome of the investigation. Concerning the applicability of article 11, he said that decisions of the revolutionary courts were not final: the accused could appeal them or request that they be reconsidered and the Supreme Court could review them.

10. Interview with the Judicial Deputy to the Head of the Judiciary

400. The Judicial Deputy, Dr. Mehrpoor, referred to the Islamic Declaration of Human Rights and to the Special Representative's previous report. He said that comparative study of the Islamic system and the international system had begun with particular reference to human dignity and the right to life, drawing comparisons between Islam and Christianity. Concerning the need for defence counsel, he said that the Constitution provided that a lawyer must assist the accused in court. The Head of the Judiciary had made a statement on that point. Concerning the crediting of the period of pre-trial detention to the term of imprisonment imposed by the sentence, he said that under a bill currently being drafted detention prior to the date of the verdict would have to be credited to the term of punitive detention. He added that many people had been ammestied, and provided a list which is reproduced in appendix VII of the interim report. He said that the rules of Islamic law could not be repealed: the penalty of flogging, for instance, was provided for in Islamic law. However, it was being imposed less and less frequently, for it was usually replaced by a fine or imprisonment. The Special Representative said he hoped that flogging would be replaced by fines in all cases.

401. Concerning the revolutionary courts, the Judicial Deputy said that the sentences passed down by those courts could be appealed, or reviewed by the Supreme Court of Justice. The act allowing for the possibility of appeal or review had been promulgated two years previously. Article 11/2 of the Administrative Regulations governing the Revolutionary Courts and Public Prosecutor's Offices of 1979, which provides that "judgements of the revolutionary courts shall be final and no revision be made thereon", had been tacitly repealed because the 1988 Act on appeal procedures took precedence, particularly its article 5 which stated: "With regard to the decisions of penal 1, legal 1, military 1, special civil and revolutionary courts which have been reversed by the Supreme Court, the authority for revising and passing a new judgement is a court equal to the court which had passed the first judgement".

11. Interview with the Minister for Foreign Affairs

402. On Monday, 15 October, the last day of his visit, the Special Representative was received by the Minister for Foreign Affairs, Mr. Ali Akbar Velayati. The Special Representative summarized the main points of his visit and thanked the Iranian Government for its co-operation. The Minister said that it was his Government's policy to continue its co-operation with the Special Representative. He said he hoped that by now, at the end of his second visit to the country, the Special Representative was able to see that the allegations of human rights violations were false and that the situation of human rights in the Islamic Republic of Iran was comparatively better than in other countries of the so-called "third world". The Minister expressed surprise that the Commission on Human Rights should have decided to examine the situation of human rights in his country and not the situation in other countries where respect for those rights was known to be much worse. He said he hoped that such discriminatory treatment was not politically motivated or designed to put pressure on his country. He also hoped that the Special Representative had not been pressured by other Powers or groups.

403. The Special Representative replied that he had not been pressured by any Government - neither the Government of the Islamic Republic of Iran nor other Governments - or by individuals or groups. In any case, his sense of duty would make him reject any attempt to pressure him.

404. The Minister said he hoped that at its next session, the Commission on Human Rights would change its attitude to the Islamic Republic of Iran. Otherwise, a sector of national public opinion might interpret the official attitude of co-operation with the Special Representative and the Commission on Human Rights as a mistake. In any event, international monitoring of the human rights situation in the Islamic Republic of Iran should not continue indefinitely. The country could not tolerate such monitoring for long. If the Commission on Human Rights did not change its attitude to the country, some hard-liners within the country would argue that the conclusions of the Special Representative's reports and his visits to the country, as well as the voting within the Commission, were politically motivated.

405. The Special Representative expressed satisfaction that the Government had acted on one of the recommendations made in his earlier report and had invited the International Committee of the Red Cross (ICRC) to visit Iranian prisons. However, an agreement would have to be concluded with ICRC so that prison visits could begin as soon as possible. The Minister said that a high-level ICRC delegation had already visited the country and that a director would be arriving shortly to work out the details of the agreement. Once the necessary arrangements were made, ICRC would be able to begin its work immediately and make regular prison visits. The Minister mentioned that the Special Representative had been able to interview, in private and in complete freedom, many of the prisoners he had asked to see. That was a demonstration of the Government's trust, for he had even been allowed to interview people convicted of supplying information on national security to foreign Powers.

406. The Special Representative then asked the Minister for a detailed Government response to all the allegations of human rights violations contained in his earlier reports and in the two memorandums submitted in 1990. Such replies were crucial to the performance of his mandate. He also asked that the Government respond to his requests made on purely humanitarian and non-political grounds. The Minister answered that his Government would provide such replies, some of them before the end of his visit, and that it would consider his humanitarian requests.

407. Lastly, the Minister expressed satisfaction at the holding at Tehran University of a seminar on human rights in international law and Islamic law, which had been attended by eminent legal experts and philosophers from Germany and a number of Islamic countries and had formulated valuable conclusions.

12. Final interview with the Deputy Minister for Foreign Affairs

408. After the meeting with the Minister for Foreign Affairs, the last official meeting of the visit took place. Deputy Minister for Foreign Affairs Mottaki recalled that during the Special Representative's first visit there had been a discussion of the particular features of Islamic human rights principles and the Government's attitude of co-operation with the Special Representative and the Commission on Human Rights had been confirmed. It was in keeping with that attitude of co-operation that the Special Representative had been invited to visit the country a second time. One practical result of

that co-operation was that talks had begun with senior ICRC officials on authorizing members of ICRC to make regular prison visits, as recommended by the Special Representative. A specific agreement to that effect would be reached shortly.

409. Concerning the Special Representative's recommendation that the right of all accused persons to legal counsel must be guaranteed, he said that a bill to that effect, which would expand on the relevant provision in article 35 of the Constitution, had been presented to Parliament. Legal counsel would even be available before the oral proceedings, in other words, during the investigation of the detainee.

410. The Deputy Minister for Foreign Affairs also said that, in keeping with the role played by compassion in Islam and with the Special Representative's recommendations, the policies of amnesty and pardon had been developed and expanded. Moreover, concerning the recommendation that comparative studies and seminars be conducted on the international system for the definition and protection of human rights and the Islamic system, he said that the progress made included the recent holding of a seminar at Tehran University. Further to another of the Special Representative's recommendations, the Government had decided to request assistance from the Centre for Human Rights, under the latter's programme of advisory services, for a comprehensive, long-term project.

411. Concerning the number of executions, he said that further to one of the Special Representative's recommendations, the number of executions had declined significantly since 21 March 1990, the date of the Iranian New Year. The purpose of executions was not only to punish criminals but also to deter others from committing offences. However, executions were being carried out only for the most serious crimes, such as drug trafficking, espionage and murder. In that connection, he handed over a list of 113 executions carried out since the Iranian New Year (21 March 1990). According to that list, 32 people had apparently been executed for ordinary crimes, 71 for drug trafficking, 4 for activities contrary to national security, co-operation with armed groups and drug traffickers, 3 for terrorist acts, 2 for espionage and one on unspecified charges.

412. Concerning replies to the allegations transmitted by the Special Representative, the Deputy Minister for Foreign Affairs said that the Government would do its best to reply to all the allegations made. However, those allegations would have to refer to problems in applying the law, the severity of penalties in relation to the crimes committed, or consistency between the penalties imposed and the laws in force. They could not be allegations questioning the Islamic legal system, laws or, specifically, the provisions of the Penal Code of the Islamic Republic. Those were issues which must be dealt with in other, primarily academic, forums and in other circumstances. The Deputy Foreign Minister also announced that the Government had presented to Parliament a bill under which the time spent in prison before sentence was passed must be credited to the term of punitive detention. The Special Representative expressed satisfaction at that initiative.

413. The Deputy Minister for Foreign Affairs also said that the Islamic Republic was open to anyone who wished to examine the situation of human rights there. In that connection, he announced that the Government was giving favourable consideration to a request by Amnesty International to visit the

country. He also reported that the Head of the Judiciary had replied to many letters containing allegations. He said that there was complete freedom of expression in the country and that a wide variety of views existed on domestic and international issues. No one was being investigated or detained simply because of his political views and any citizen could express his political views openly every day in the mass media, on the street or in the mosque. Parliament reflected the diversity of political views in the country.

414. The Deputy Minister for Foreign Affairs next referred to the Special Representative's visit to Evin prison. He said that the Special Representative had been able to interview in complete freedom most of the prisoners he had asked to see, including those accused and convicted of spying for enemies of the nation and of attempts on the security of the State. He added that the reasons why he had not been able to interview the other prisoners had been explained to him at the time: they had been released, they had been on temporary leave from the prison, or their trials were at the investigation stage and the prosecutors had not given the necessary authorization. In any case, the Government had trusted the Special Representative enough to let him interview people who had supplied foreign Powers with highly strategic internal information, even in wartime. That demonstrated the Government's attitude of co-operation towards the Special Representative and the Commission on Human Rights. If that co-operation was to continue, however, prejudiced attitudes and preconceptions about the situation of human rights and fundamental freedoms in his country would have to be abandoned, the remaining obstacles would have to be removed and there would have to be an end to the double standard whereby the human rights situation was investigated in some countries but not in others where there were more serious and systematic human rights violations. He hoped that the meetings of the Third Committee of the General Assembly would mark the opening of a new chapter in co-operation between the Islamic Republic of Iran and the United Nations.

415. Lastly, the Deputy Minister for Foreign Affairs handed over to the Special Representative a list giving official Government information on the alleged executions of 3,620 people mentioned in different reports of the Special Representative (E/CN.4/1988/24, E/CN.4/1989/26, A/44/620 and E/CN.4/1990/24). The information in the list had been compiled by the Statistics Department of the Ministry of Justice, the Police Identification Unit and the Registry and Statistics Organization. A summary of the list is contained in appendix VI of the interim report.

416. The Special Representative thanked officials of the Ministry of Foreign Affairs and the Government for the facilities and co-operation extended to him during his visit.

C. Hearing of prisoners at Evin prison

417. The visit to Evin prison took place on 13 October 1990. The Special Representative was received by the Chief of the prison administration for the Tehran area, his deputy, the director of Evin prison and an official of the Ministry of Foreign Affairs. The Chief of the prison administration explained that there were presently some 2,000 prisoners detained at Evin, of whom 60 per cent had been sentenced on charges relating to the use or trafficking of narcotics, 35 per cent were common criminals and only 5 per cent (between 100 and 105 persons) were political prisoners. He added that all political

prisoners of Tehran province were detained at Evin. The Director of Evin prison again stressed the special character of the Iranian prison system which was aiming at the rehabilitation and re-education of offenders. That explained the frequency of amnesties as well as the possibility for many prisoners to be granted leave which could range from three days up to a year. Leave could be granted both to common and political prisoners. The prison officials expressed regret that the Special Representative had chosen mainly persons who were known as opponents to the Government, or had been newly arrested, because there had been little time for the authorities to influence in a positive manner their misguided convictions. He further stressed that the prison administration must be given an opportunity to defend itself against any unjust accusations that might be voiced by any prisoners the Special Representative would see.

418. Since the Special Representative had already visited various installations at Evin prison, he requested that his visit be devoted this time exclusively to a hearing of the 26 prisoners he had selected. The 26 names given to the authorities on 9 October 1990 concerned cases on which the Special Representative had received particularly detailed information. They can be classified into the following categories: (a) prisoners allegedly convicted and sentenced to execution; (b) prisoners allegedly subjected to torture; (c) prisoners who allegedly suffered reprisals after having met the Special Representative during his first visit; (d) prisoners of foreign nationality; (e) prisoners belonging to the group of persons who had signed the open letter of former Prime Minister Bazargan to the President; (f) prisoners belonging to the Baha'i community; and (g) a group of female prisoners, two of whom the Special Representative had seen during his first visit.

419. The Special Representative was told upon arrival at Evin prison on 13 October 1990 that, for various reasons, it would not be possible to see all 26 persons. The Special Representative, therefore, handed to the authorities an additional list of six persons.

420. The Director of Evin prison explained that two persons appearing on the first list had been released, four persons had been granted leave, and that two persons were detained at Arak and Karaj, respectively, and could, therefore, not be met at Evin. For a group of 10 prisoners (6 on the first list and 4 on the second) he had not received authorization from the prosecutor to present them to the Special Representative, since their cases were still under investigation. The Special Representative pointed out that the cases of other prisoners whom he would be allowed to meet were also under investigation, in some instances even in connection with the same offence of which other prisoners whom he would not be permitted to see were charged.

421. Appendix IV of the interim report contains the names of all those prisoners which the Special Representative had requested to see, as well as the reasons given by the authorities with regard to those with whom he could not meet.

422. Among the persons who were not available for a hearing by the Special Representative was Mr. Roger Cooper, whom the Special Representative had unsuccessfully tried to see during his previous visit. Asked about the reasons, the Director of Evin replied that the trial of Mr. Cooper was still pending. The Special Representative recalled that, on his first visit, he had

been told that Mr. Cooper had been sentenced to 10 years in prison and that his sentence was being translated into English. The Director said that the trial was not over because the sentence had been appealed. The Special Representative said he did not consider this a valid reason for refusing to let Mr. Cooper see him, for the interviews were neutral and had nothing to do with the status of trials. Moreover, some of the other prisoners he was going to interview had appealed their sentences and he did not see why Mr. Cooper's case should be handled any differently. The Director replied that a new accusation had been made against Mr. Cooper and another trial had begun, related this time to moral issues. He then confirmed that Mr. Cooper had been sentenced to 10 years of imprisonment.

423. During the ensuing interviews, which took place in an office of the administration of Evin prison without the presence of Iranian officials, the Special Representative spoke briefly with the following persons:
Mr. Jamshid Amiri-Bigvand, Mr. Bahman Aghy, Mr. Hooshang Ahmadi Bigvand, Mr. Noureddine Kianouri, Ms. Meriam Feirouz, Mr. John Pattis, Mr. Nour Ali Tabandeh, Mr. Ali Ardalan, Mr. Farhad Behbahani, Mr. Hossein Shah Hosseini, Mr. Badéull h Sobhné, Ms. Sakineh Sedaghat, Mr. Ezzatollah Sahabi and Mr. Khossro Mansourian.

424. The Special Representative first received Mr. Kianouri, the former Secretary-General of the Tudeh Party, whom he had already seen during his first visit and who, on that occasion, had made serious allegations of torture. He also saw his wife Meriam Feirouz. Concerning both persons, allegations have been received that they had suffered reprisals subsequent to the Special Representative's first visit (see A/45/697, para. 76).
Mr. Kianouri stated that the permission given to him to see his wife and daughter once a week for one hour had been reduced to one telephone call to his wife every four weeks and one visit from his daughter every two weeks. However, he had not been placed in solitary confinement, as alleged, and three weeks before, the previous rhythm of visits was again being applied. He appeared to be in better physical condition than in January 1990.
Mr. Kianouri further stated that he had requested that permission be given to his wife to urdergo surgery outside the prison, but that the authorities had so far not acceded to this request. Mrs. Meriam Feirouz referred to various types of torture inflicted upon her at the beginning of her detention, which started in 1982. This torture had resulted in the loss of hearing in one ear, considerable difficulty in swallowing food and various other consequences as a result of heavy beatings. She requested that she be allowed to give her statements standing, as she suffered pain when sitting. Given her physical condition, she had requested the prison authorities not to oblige her to share a cell with others and this had been granted. On the other hand, the lack of company had resulted in serious psychological strain. She also said that during the eight years of her detention, and particularly during the past three years, she had received sympathetic treatment from a number of persons within the prison.

425. The Special Representative then met Messrs. Ardalan, Behbahani, Mansourian, Sahabi, Shah Hosseini and Tabandeh, who had signed the open letter of former Prime Minister Mr. Bazargan to the President of the Islamic Republic of Iran. These persons stated that they had been arrested in June 1990, some 20 days after the publication of the open letter, and since then had been kept in solitary confinement, some at Tohid prison (formerly called Central Komiteh Prison) and at Evin prison. While some of them stated that they had received written charges, others said that they had learned of the accusations

indirectly through questions put to them by their interrogators. According to the detainees, the charges varied from case to case, such as "measures offending national interest and sovereignty", "participation in activities against the revolution and national interests", "publication of the open letter and dissemination of its content abroad", etc. In several instances, the interrogators alleged that there had been a co-operation between the group of signatories of the open letter and a foreign intelligence agency and that by publicizing the letter abroad the group had played into the hands of the enemy. Mr. Ardalan, the Chairman of the executive committee of the Association for the Defence of Freedom and the Sovereignty of the Iranian Nation, categorically denied that the Association had attempted to become a political alternative to the present Government or had ever engaged in activities that could be construed in any way as espionage. If any of the co-signatories of the open letter had had contacts abroad, this was a private initiative of the individual concerned and not a policy of the Association. Mr. Bembahani stated that the authorities had resented that the open letter had reached foreign media. In this connection, he was questioned about a visit to the United States where he had met friends nine months before his arrest. He stressed, however, that he had neither been accused of, nor had he confessed to, any charges of espionage. When he appeared on television on 6 August 1990, he had simply admitted to have realized that the position taken by the group of signatories was in conformity with the policy of a foreign Power and that, as such, their position was wrong. He also expressed himself in favourable terms with regard to prison conditions. He said that the treatment was satisfactory and the food superb. This contrasted sharply with statements by others who complained about the extended duration of solitary confinement (at Tohid prison in cells not bigger than 3 x 1.17 metres) for which there was no legal limit as long as the case remained under investigation, the very rare occasions on which contacts with relatives had been permitted and the lack of legal counsel. In one case, severe beatings were alleged. Generally, most of the persons belonging to this group appeared to be under great stress. Some of them requested specialized medical treatment from outside the prison, in view of their ailments, advanced age and the difficult conditions of four months of solitary confinement.

426. The Special Representative also met Messrs. Amiri-Bigvand, Agahy and Ahmadi Bigvand, all accused of espionage. The first two persons confirmed that they had been tried and sentenced to execution, whereas the third person declared that his trial had taken place two years ago and that he was still awaiting to be informed of the sentence. Their trials had taken place before a revolutionary court, without formal charges or defence counsel. One of them stated that his trial had lasted only 15 minutes. The two convicted persons had made confessions on television and had appealed against the verdict. They had not been informed of the follow-up to their appeals.

427. The Special Representative also saw Mr. John Pattis, a United States citizen sentenced to 10 years' imprisonment on spying charges. Mr. Pattis said that he had admitted having worked for a foreign intelligence agency. During the investigations, he had never been presented with formal charges and was held for three months in solitary confinement. In September 1986, he made a public confession on Iranian television. His trial before a revolutionary court took place in March 1987 before one judge, one representative of the prosecutor and one interpreter. There were three witnesses of the prosecution and the court session lasted approximately four hours. He had not benefited from legal counsel and the sentence was passed with the annotation that it

could not be reduced. Since then, he had received three consular visits, in 1987, 1988 and 1989, from the United States Interest Section at the Swiss Embassy. He had not been tortured but had received threats. He was being held in a cell with two other foreigners (Mr. Cooper and a prisoner of German nationality) and affirmed that prison conditions had improved significantly before the Special Representative's two visits.

428. Mr. Sobhani, a retired employee of the Ministry of Education, stated that he had been arrested a month before, as he was unable to repay the pension he received during the past 14 years. This had been requested since he was a Baha'i. He was simply told by the authorities that, as long as his family could not pay his bail, he would remain in prison. He had never been formally charged, nor had he been presented to a judge. Since he had no hope of ever being able to pay the requested sum, he feared that he would be imprisoned for the rest of his life.

429. The Special Representative also received Ms. Sakineh Sedaghat Rashdi, who was arrested in 1988 while trying to leave the country illegally. She was sentenced by a revolutionary court to three years' imprisonment, without access to legal counsel and stated that she had recently received permission to leave the prison for one week and was receiving visits from members of her family.

D. Trial proceedings at Evin prison

430. The Special Representative had requested the opportunity to be present at trial proceedings of a revolutionary court concerning an offence for which capital punishment may be pronounced. On 14 October 1990, he was invited to attend trial proceedings at Evin prison which, however, appeared to concern an offence (armed robbery and banditry) that does not fall into the competence of revolutionary courts. According to official information received from the Ministry of Foreign Affairs, revolutionary courts are competent for the following cases: "All crimes committed against the internal and external security of the State, or related to corruption on earth or war against Allah; attempts against the life of political authorities; all crimes related to narcotics and smuggling; all cases related to murder, massacre, imprisonment and torture with the purpose of consolidating the Pahlavi régime and suppressing the struggle of the Iranian people, both as perpetrator and abettor; misappropriation of public funds and profiteering and hoarding of foodstuff".

431. A judge presided over the hearing in the presence of nine accused and five victims. There was a defence lawyer who asked to speak at the end of the hearing, before sentence was passed. The judge read out verses from the Koran and then asked the accused to introduce themselves and answer questions. The prosecutor read out the accusation, mentioning eight different acts of armed robbery committed by the nine accused. The six victims then testified.

432. The prosecutor asked each of the accused whether they admitted to having committed the offences, and all of them answered in the affirmative. The judge repeated the question, asking the accused whether they admitted to the offences; they again answered in the affirmative. The judge asked each of them what he had to say in his own defence and they all answered that they simply begged forgiveness. He then asked one of them why he had committed the

offence and the answer was one word: "stupidity". The judge asked whether they were ready to apologize to the victims and some of them simply said no.

433. The judge turned to the victims. The first of them said that he held to his version that the attackers had used weapons, even though they denied this. One of the plaintiffs said that one of the accused had apologized to him but the other two had not, and that if they apologized he would withdraw his complaint. Each plaintiff in succession then described his reactions and wishes.

E. Information received by the Special Representative from non-governmental sources

434. The Special Representative was informed by the Minister for Foreign Affairs that a number of Iranian non-governmental organizations had requested the Ministry to arrange for meetings with him during his stay in Tehran. The Special Representative accepted this request and, on 12 October 1990, met representatives of the following organizations: Organization of Iranian Women; Workers' House; Organization for Defending Victims of Violence; Association of Families of Martyrs; Teachers' Association; Writers' Association; Association of High School Students; and Organization for the Defence of Victims of Violence.

435. The Organization of Iranian Women stressed that women enjoyed freedom in absolute terms without any limitations. They stated that women had freely chosen the law of Islam and that their only complaint was that not all Islamic rules were as yet fully implemented. They thought it a cruelty to pretend that men and women are equal, since the two sexes had very distinct characteristics.

436. The representative of Workers' House explained that that organization was the principal trade union of the country and participated in the work of the International Labour Organisation. He stated that many of its leaders had been assassinated by counter-revolutionary groups and that they still feared for their safety. The most recent assassination had taken place at Sanadaj some two weeks before. He described the union's relationship with the Government as satisfactory, although not all promises had been fulfilled and difficulties with regard to housing and the level of salaries still existed. However, the organization had realized the limitations that the Government was facing in this regard in view of the consequences of the war that had been imposed upon it.

437. The Organization for Defending Victims of Violence presented several witnesses, three of whom stated that they had been former members of the Mojahedin Organization. They had subsequently been imprisoned and amnestied. All of them stated that they had received "humane and Islamic treatment" while in prison. At present they did not have problems with the authorities but were living in constant fear of reprisals by the Mojahedin Organization. One of them said that he had been given a job in the administration. A fourth witness said that he was a former communist but had realized that his activity as a journalist for communist publications was equivalent to the crime of spying. Two persons presented by the Organization, Ismail Asghar-Nejad and Mohammad Shabanzadeh, stated that their names had been included in a list published by the Mojahedin Organization of persons allegedly executed by the Government. They showed their identity cards, of which photocopies were

taken. The name of the first person appears in the list of alleged executions annexed to the Special Representative's report to the forty-fifth session of the Commission on Human Rights. The name of the other person does not figure in any list available to the Special Representative.

438. The Association of Families of Martyrs requested the Special Representative to devote particular attention in his report to the problem of terrorist acts committed by the Mojahedin Organization and, in this connection, reported several killings. The Special Representative was also asked to reaffirm the specific rights of the martyrs of terrorism. The Association further referred to the Baha'i community, which they accused of financially supporting the State of Israel. Those Baha'is who refrained from such activity did not suffer any discrimination in the country.

439. The Association of Teachers referred to certain problems that those in their profession were facing, which they, nevertheless, fully accepted. The difficulties they mentioned concerned economic restraints for schools, limitations for women with regard to pursuing certain university studies and limitations for Armenians and Kurds regarding the teaching of their respective languages and culture in their schools. They also complained that it was not admissible to criticize the Government for such situations.

440. The Writers' Association, represented by three women, referred to the strict control to which they had been subjected during the Government of the Shah. The main problem they were facing at present was the fact that they were not allowed to write about non-religious subjects. Numerous members wished to describe the problems of present-day Iranian society in the form of a story. This was, however, not permitted. All literary works required the approval of the Ministry of Culture and Islamic Guidance and it was impossible to have paper allotted by the Government and have literature published without such approval. The association considered itself in opposition to the Government, but wanted to underline clearly the distinction between themselves and any opposition groups existing outside the country. They stated that the Government did not prevent unarmed opposition.

441. The Association of High School Students informed the Special Representative that an organization of guardians of the Islamic society had been established in every high school, which resulted in certain limits with regard to the freedom of expression and instruction. Generally, they complained that standards of teaching were low and that classes were over-crowded. Although secondary education was free of charge, important expenses had to be incurred by the families for books and teaching material. For that reason, they had decided to leave the organization of Guardians and to create their own association. This did not mean, however, that they were political opponents of the Government or that they sympathized with the Mojahedin Organization, whose members they considered as terrorists.

442. The Association of Students explained their objectives as encompassing the struggle for freedom of expression, the promotion of sound intellectual and political activities, and a campaign against oppression and anti-human movements. The Association presented various allegations concerning the activities of the Mojahedin Organization.

443. The Association for the Defence of the Victims of Violence also denounced several attacks by the Mojahedin Organization.

444. At the request of the Ministry of Foreign Affairs, the Special Representative also paid a brief visit to the Institute for International Studies. The Director of the Institute explained that, already in the late nineteenth century, a similar institution was founded which was later incorporated into the University of Tehran. In 1973, a new Institute, separate from the University, was created. It was seized in 1980 and re-established in 1983. At present 380 students studied at the Institute, of whom 100 were staff members of the Ministry of Foreign Affairs. Four permanent professors and several invited professors gave courses on the practice of diplomacy and negotiations. Every year a number of students attended the session of the General Assembly. Owing to the lack of time, the Special Representative briefly greeted the students, but was not in a position to give a lecture to them, as had been requested.

F. Information received from private persons

445. During his stay at Tehran, the Special Representative once again paid a visit to Mr. Mehdi Bazargan, first Prime Minister of the Provisional Revolutionary Government, who received him in the company of Dr. Yazdi, former Foreign Minister of the same Government. Mr. Bazargan expressed great concern over the detention of signatories of his open letter to the President and emphasized the illegality of both the arrests and the fact that the authorities had voiced accusations in public, in particular, such serious charges as espionage. The latter violated the principle of presumption of innocence of the accused. Mr. Bazargan pointed out that, after the arrest, he had sent a series of additional letters to the authorities, in particular the Head of the Judiciary, of which he handed copies to the Special Representative. He said that he had never received any reply to those letters.

446. The open letter criticized the Government for the worsening economic and social situation and the lack of freedom and security in the country. It accused the Government of mismanagement and of an extremist foreign policy which has led to the country's isolation in the international community. The signatories of the letter invited the President and his Government to take the following measures and policies:

> "(a) To prevent the perpetration of violations and destructions in the country and to avoid signing subjugating and not nationally supervised agreements with foreigners;
>
> "(b) To restitute the legitimate rights of people stipulated in chapters 3 and 5 of the Iranian Constitution and to stop suppressive policies of some [government] institutions and organs;
>
> "(c) To safeguard and guarantee freedom of activity for those political parties and associations and press which have legal and open activities;
>
> "(d) To provide opportunities for free and undisturbed debates, talks and exchange of views for the purpose of resolving problems of the country and seeking sincere co-operation of people and eventually paving the way for establishing the legitimate rule of the people."

447. Mr. Bazargan further stated that none of the arrested persons had been allowed to avail themselves of legal counsel, that virtually all were held in isolation and that their contacts with relatives and friends had been extremely limited. As he had stressed in various letters to the authorities, it was illegal to detain persons without informing them of the charges held against them within 24 hours and keep them in solitary confinement for such extended interrogation by agents of the Ministry of Intelligence without passing the cases to the competent courts. He also drew the Special Representative's attention to the precarious health situation of some of the detainees. He further mentioned that the offices of both the Freedom Movement (the party of which he was president) and the Association for the Defence of Freedom and the Sovereignty of the Iranian Nation had been closed by the authorities and that all their files had been confiscated. According to an announcement of the revolutionary prosecutor, the Association for the Defence of Freedom and Sovereignty of the Iranian Nation had been prohibited. However, the revolutionary prosecutor was not competent to make such a statement and a ruling concerning the dissolution of a political party or association, in accordance with the existing laws on political parties and associations, could only be made by a special court of the Ministry of Justice upon a complaint by the Minister of the Interior. With regard to his own party, the Freedom Movement, no formal decision had been taken, but since its building and files had been confiscated, its activities were de facto restrained. The Freedom Movement had provided all the information required by the Ministry of Interior in accordance with the Law on political parties and the Minister had not declared its functioning illegal within the three-month period stipulated by the law.

448. Mr. Bazargan further mentioned that on numerous occasions the authorities had officially recognized the right to criticize the Government and an example of this were the discussions in the Majlis (Parliament). However, a number of deputies had publicly declared that they did not feel safe to say everything they wanted to say. He cited several names of deputies who had been eliminated from the Majlis as a consequence of critical statements.

449. Other private persons, including Ayatollah Seyed Abolfazl Musavi Zanjani, the author of a comparative study on Islamic principles and the Universal Declaration of Human Rights, complained about the lack of freedom of expression. According to assertions by several persons, the manner in which this manifested itself varied from case to case, ranging from intimidation and threats by members of the revolutionary guards or other organized groups, dismissal from employment, exclusion from public activity to detention and indictment or de facto isolation or house arrest, such as in the cases of Ayatollah Qomi in Mashad or Ayatollah Rohani in Qom. These persons also referred to a variety of strict measures of control over any opposing views, such as the inspection of correspondence, the tapping of telephone conversations, and a network of inquisition exercised by the revolutionary guards and agents of the Ministry of Intelligence.

450. Relatives of Mr. Amir Taavoni reported that he was arrested, together with his wife and his four-year-old daughter in 1982, on charges of sympathizing with the Mojahedin Organization. His daughter was released after 40 days of detention and he was sentenced seven months later to five years of imprisonment. The relatives affirmed that he was tortured and that as a result of beatings he could hardly stand on his feet when they visited him at Evin prison. He was released in 1986 and, since he could not obtain a

passport, he fled the country together with his wife and daughter. He was rearrested at the frontier in 1987 and, after 10 months of imprisonment, without trial, was executed at Evin prison.

451. One person, who requested that his name be kept confidential, alleged that some 50 former members of the Mojahedin Organization were kept in incommunicado detention at Evin prison in the so-called "Section 209". The names of these prisoners did not appear on the prison register and the persons detained in this Section required the urgent attention of the Special Representative. A similar assertion was received from a former detainee at Evin prison. Since this information was given to the Special Representative on the last day of the visit, he had no occasion to follow it up with the authorities.

452. Nahid Arabali, Effat Bahrololoum, Ali Jajarmi, Maryam Rahmanian-Kooskaki and Mahshid Shakernia stated that the Mojahedin Organization had reported their execution. They presented their identity cards and it was later established that the names of the first and third persons appear in a publication by the Mojahedin, that the names of the second and fifth persons are listed in the annex of the Special Representative's report to the General Assembly at its forty-fourth session (A/44/620), and that the name of the fourth person is included in the annex to the report to the Commission on Human Rights at its forty-fifth session. It should be noted, however, that the lack of personal data other than the name, as well as discrepancies in the spelling of names do not permit one to establish with certainty that the listed persons are identical with those who appeared before the Special Representative.

453. Several persons said that they were Iranian prisoners of war in Iraq and alleged that they had been induced by the Mojahedin Organization to join their ranks. The Special Representative considers these situations outside the framework of his mandate and, therefore, refrains from reporting on the numerous detailed descriptions he received on such cases.

454. Co-ordination between Islamic law and international law was the subject of a private conversation with Ayatollah Yafari, who long before had invited the Special Representative to discuss that matter with him. The Ayatollah expressed the view that a truly universal order of the rights of human beings should be based on the common principles of Judaism, Christianity and Islam. In this connection, he suggested the creation of an "Abraham Society" in the framework of which the implementation of these principles could be studied.

455. Hundreds of letters and written communications were again received by the Special Representative during his visit.

G. Meeting with members of the Baha'i community

456. The Special Representative also met three members of the Baha'i community, who essentially confirmed the allegations received earlier. At the same time, they recognized the willingness of the Government to solve the outstanding problems and stated that discrimination, in particular business and occupational deprivation, although still existing, had been somewhat relaxed, that confiscation of property had been limited in the present year to one case only and that petitions regarding confiscation of farms and orchards had met with some positive reactions, though so far with little tangible

results. Nearly 300 Baha'is had applied for passports but only 24 had obtained them, as well as the necessary exit permits, and some more had been summoned to interviews, possibly leading to the issuance of passports. Baha'i students were still not admitted in colleges and universities, but those who were denied admittance in primary or secondary schools were now permitted to continue their education at pre-college levels. The courts of justice still did not accept heredity petitions presented by Baha'i heirs and many Baha'is were deprived from entering into business transactions. However, in some localities Baha'is were now being granted business licences. With regard to the problem of cemeteries, there were still no formal ownership rights given to the Baha'is guaranteeing their places of burial. Medical doctors could only exercise in private practices and could not take part in the national insurance scheme, and Baha'i lawyers were not admitted in the bar association or in courts. Reference was also made to the enormous financial pressure to which members of the community were subjected, to the impossibility of obtaining credit, or to accede to higher positions, even in cases of academic qualifications acquired abroad. A person who had been involved in scientific research for many years related how she had been ousted from Tehran University, together with other Baha'i professors who were now trying to survive as truck drivers or flower salesmen.

457. Some positive developments were said to consist in the partial lifting of the ban on meetings, allowing a maximum of 15 Baha'i to attend their 19-day feasts. For Baha'i funeral meetings there were no restrictions on the number of persons attending. Furthermore, Baha'i families received food allowance booklets and coupons and were given permission to connect their telephones, which had been interrupted for many years. Finally, the regulations affecting married conscripts were now also being applied to Baha'is.

H. Meeting with the Armenian community

458. On Sunday, 14 October 1990, the Special Representative attended mass at the Armenian Orthodox church and met Archbishop Artak Manookian. Allegations received prior to the visit in connection with the situation of the Armenian community are reflected in paragraphs 98 to 101 of the interim report. The Archbishop deplored in particular the extremely limited possibility of language training in the Armenian schools - only two hours per week at the primary school level and none at the secondary school level - as well as the lack of religious education. In the latter respect, some progress had been made in reaching an agreement with the Government in the question of the catechism, but the implementation of the agreement was still being awaited.

I. Comments and observations received from the Government on the report on the second visit

459. With regard to the report on the second visit to the Islamic Republic of Iran, the Government provided, by letter dated 22 January 1991, the following general comments and observations:

> "The Islamic Republic of Iran following the views expressed by the forty-sixth session of the Commission on Human Rights on repeating the visits by the Special Representative provided necessary arrangements for the co-operation of various organs in judicial systems, the Ministry of the Interior and other related organs. In this regard, all the names included in the report of the Special Representative were brought into scrutiny. The report of the Special Representative was also studied in

various sessions and measures were taken to take the contents into consideration. Although he expressed on many occasions his thanks and appreciation for the co-operation extended to him, yet it is unfortunate to say that this fact has not been well reflected in writing the report.

"The Islamic Republic of Iran met all requests of the Special Representative to meet whoever he wished and went to wherever he wanted. Through a well planned arrangement efforts were made to prevent any waste of time.

"The statements of the officials of the Islamic Republic of Iran made at the meetings with the Special Representative have not only not been reflected but rather some of them have been distorted as well."

460. With regard to specific paragraphs of the report on the visit, the Government stated the following:

(a) With reference to paragraphs 250 to 256:

"The contents of paras. 250 to 256 are clear evidence that people are free to express their thoughts although the allegations are refuted.

"The debates of the Islamic Consultative Assembly are directly broadcasted on the radio and the people are informed of the details on a daily basis. Deputies are free to elaborate on any issue and due to their immunities they do not face any difficulties and restrictions in expressing their views. Those deputies who have been brought to courts were charged for immoral acts and had nothing to do with expressing views critical to the Islamic Republic of Iran.

"There is no section called 209 in Evin prison and the list of all prisoners is available in the prison."

(b) With reference to paragraph 267:

"The list presented by the Special Representative contained only the names of three individuals who are to be executed on the charges of espionage with whom the Special Representative had the opportunity to meet.

"The Special Representative did not submit any request to visit the Gohardasht prison. He refused to visit this prison during his first trip to Iran, although he had requested then to pay such a visit."

(c) With reference to paragraph 278:

"The Special Representative's view in para. 278 of doc. A/45/697 is groundless because according to the law all accused are briefed about their charges prior to their arrest and moreover, according to the recently adopted bill by the Islamic Consultative Assembly, interrogations are to be conducted in the presence of lawyers."

(d) With reference to paragraph 279:

"Television interviews are conducted with the agreement of the accused and permission of the court in order to inform the people of plots against the country. No threats or intimidation are applied for interviews and giving an interview does not reduce the charges against the accused; thus the observation in para. 279 is meaningless."

(e) With reference to paragraph 280:

"With regard to para. 280 of the interim report, it should be noted that there are different offices which study people's complaints in every ministry. The representative of the President in that ministry receives these complaints and has the right to notify the minister of the complaint. The President himself intervenes in case the complaints are ignored. In addition, the judicial system has established a few organizations such as: the organization for justice administration, the State organization for inspection, the department for attending to the complaints of the people, etc. ... The Islamic Consultative Assembly has also established an office under article 90 of the constitution to receive and pursue such complaints."

(f) With regard to paragraph 163:

"It should be said that:

"a. The meeting took place at the request of the Special Representative and since the location of the inmates was far from the meeting place, two of the inmates who were close by were brought to meet the Special Representative.

"b. The two inmates are members of a gang of drug smugglers who were arrested at the time of carrying two tons of opium in late 1989. Since they confessed their crimes and co-operated with the officials, they were assisted to get defence lawyers and called for appeal and finally their prison term was reduced.

"c. All allegations of torture, maltreatment, long trials, non-access to lawyers and work of the accused in the court are denied."

(g) With regard to paragraph 168:

"The allegation of the above paragraph that permission has not been accorded by the Ministry of Islamic Culture and Guidance for the Bible Association is denied."

(h) With regard to paragraph 228:

"The Special Representative on his first day of arrival provided the Iranian officials with a list of 202 names and asked to be permitted to meet with 26 of them.

"Since the judicial system acts independently from the Executive Branch, the request was forwarded to the judicial system. The meeting with those whose files were being studied by the prosecutor was not possible at that time."

(i) With regard to paragraph 229:

"Mr. Noureddin Kianouri, the leader of defunct Tudeh Communist Party was arrested along with some of his associates for espionage activities. The files of some of the Party were studied and verdicts of the court were issued. The files of Mr. Kianouri, Ms. Meriam Feirouz and several others were sent several times to the court and brought back to the prosecutor for further investigation. Although everybody knows that his criminal charges are very heavy [ones] of espionage, planning a coup attempt with the help of aliens and with the collaboration of some personnel of the army at the time of war, [and] transmitting sensitive information to the enemy, and the prosecutor will call for the maximum penalty, yet the trial has been long, due to the orders of the prosecutor. Mr. Kianouri has not been subjected to any intimidation and the allegation of his torture is groundless. There is no doubt that he is old and as a result suffers some health problem which have nothing to do with his imprisonment. He is constantly under medical treatment.

"Mrs. Meriam Feirouz who is also an accomplice in the crimes of her husband has not undergone any intimidation or torture. Her health problems such as being deaf in one ear and gynecological diseases all date back to her pre-prison term. Her doctors believe there is no need to transfer her outside for treatment. The prison hospital in their view has adequate facilities for medical operation if necessary."

(j) With regard to paragraph 230:

"Those who have been arrested in the recent plot are living in a good and proper situation. There are no difficulties vis-à-vis the condition of living, food, visits, etc. although their charges are related to security issues of the country, but they are well respected by the prison officials and no one has maltreated them inside prison."

(k) With regard to paragraph 233:

"Allegations put forward by Mr. Sobhani are refuted. Although he is a Baha'i, he has been imprisoned for financial charges. On the request of the Special Representative he was set free."

(l) With regard to paragraph 234:

"Miss Sakineh Sedaghat intended to join the MKO forces in Iraq via western borders in 1988. She was arrested in a war zone by military forces stationed there. No lawyer volunteered to defend her. The court taking into consideration the condition of her repentance issued the least possible punishment for her."

(m) With regard to paragraph 235:

"During the Special Representative's stay in Tehran, there were no court cases dealing with political activities for the Special Representative to be acquainted with the court conduct in this field."

(n) With regard to paragraphs 250, 251, 252, 253, 254, 255 and 256:

"The contents of those paragraphs are clear evidence that people are free to express their thoughts although the allegations are refuted."

(o) With regard to paragraphs 261 and 262:

"Regarding the situation of Baha'is, the Government of the Islamic Republic of Iran draws the attention of the Special Representative to the following points:

"The number of Baha'is in the Islamic Republic of Iran is less than one thousand of the population.

"Muslim Ulamas have declared Baha'ism as heresy.

"The centre of Baha'ism is located in Israel and is under the direct control of Zionism. Baha'is are enjoying the same rights as any other citizen in the Islamic Republic of Iran and no one is persecuted for being a Baha'i.

"All Baha'is who applied for passports in 1990 were able to obtain it.

"It could happen that some of the executive organs commit errors or be reluctant to provide services to certain citizens. In this regard the judiciary has designated the General Inspection Organization to examine any complaint received from individuals and identify offenders. Should the Special Representative provide more specific information with regard to complaints about executive organs, more investigation could be done by this organization."

IV. CONCLUSIONS AND RECOMMENDATIONS

461. The report submitted to the United Nations General Assembly (A/45/697 of 6 November 1990) was designed and prepared as an interim report, even though it contains most of the allegations received in 1990 and an account of the second visit to the country. Since various government replies to such allegations and the account of the activities carried out during the second visit were received in January 1991, the present report contains a chapter on the visit and paragraphs relating to the allegations contained in the interim report in order to make the Government's replies and observations easier to understand.

462. Further complaints of human rights violations were received during the short period of time between the interim report and the final report. As a result of the first visit, the number of information sources both in and outside Iran increased and it was therefore possible to make comparisons between information received from various sources which are apparently unrelated.

463. It should be pointed out that, both in the interim report and in the present report, allegations of human rights violations have been classified by category and, in some instances, this may involve repetition, since a case may be included in two different categories.

464. The Special Representative has expressed the view, which is also his belief, that, on the basis of existing international principles and known facts, a critical analysis should be made in order to arrive at some recommendations and conclusions in the light of criteria of probability. The aim is, of course, to base conclusions and recommendations not on findings similar to those of a court of justice, but, rather, on probability and reasonable belief. At the start of his mandate, the Special Representative stated that, in his view, international monitoring should be founded on principles and criteria of objectivity and co-operation and that selective procedures should be avoided.

465. This exercise is particularly complex and complicated because of the specific circumstances which characterize the monitoring of human rights in the Islamic Republic of Iran. It is obvious that there are persons who are making every effort, and even going to any lengths, to politicize this exercise, politicization being taken to mean a departure from the objective consideration of the facts and their consequences and the use of human rights as an instrument in the struggle for political power. Reports on international monitoring procedures may be used for political purposes and such use is beyond the scope of the competent United Nations bodies, but the aim of the exercise is not to support or destabilize Governments, but, rather, to encourage the fulfilment of international obligations relating to human rights. The purpose of international monitoring is to bring about fulfilment of international human rights obligations by gathering information and evaluating, analysing and criticizing it.

466. The mandate relating to Iran is one of the most controversial of all the mandates on which international monitoring has focused in particular countries in recent years. This is probably the result of the radical polarization of political forces, the conflict between opinions that have turned into

pre-established, inflexible, intransigent credos and the struggle between national and international political interests. The situation is being followed attentively and even passionately in and outside the United Nations and in the media throughout the world. The prevailing philosophy and world view appear to be extremist, with no happy medium between good and evil or light and shadow and with emphasis on the totally absorbing, exclusive and excluding dimension. Room to move forwards or backwards is unthinkable; instead, issues are presumed or made to be crystallized and are judged unbendingly and unalterably.

467. The controversy about the human rights situation in the Islamic Republic of Iran has gone on in prejudiced and speculative terms, which have been accompanied by reactions of hypersensitivity. If the controversy is to be constructive, cases have to be discussed on the basis of evidence so that the investigation and analysis of situations in the light of specific information may be as thorough as possible.

468. The Special Representative has concentrated on objective consideration of the facts and the preparation of observations and recommendations on the basis of critria of probability without giving in to the pressure and Manichaeism of persons or groups not connected with international monitoring. However, every voice which has expressed an opinion or criticism and drawn attention to procedures has been listened to. This task is one plagued by doubts, questions, conflicts of conscience and contradictory requests and it is a difficult one because the aim is to guarantee objective and independent international monitoring and compliance with international instruments, without complacency or fear.

469. The General Assembly considered that the two reports which were submitted by the Special Representative in 1990 (E/CN.4/1990/24 and A/45/697) and prepared following his two visits to the country provided useful information and shed light on some allegations concerning the human rights situation and it expressed appreciation of the observations contained therein (resolution 45/173, fifth preambular paragraph and operative para. 1). The supreme United Nations body bases its opinions on the reasoned analysis of allegations, replies and circumstances and establishes the consistency between facts, observations and conclusions, using both the reports of the Special Representative and information made available by diplomatic and consular representatives.

470. The second visit to the country led to important results, took place in a much calmer atmosphere than the first visit and made it possible to investigate specific cases and obtain information from witnesses selected by the Special Representative. The interviews with two persons sentenced to death for espionage and with a number of persons accused of espionage provided important information on the application of guarantees of due process of law.

471. During the second visit, information was received on the categories of acts which have been considered in previous reports, such as executions, the lack of a defence lawyer, failure to notify detainees of the charges against them immediately following arrest, difficulties in making trials public and ill-treatment and torture. Consistent information was also received on

restrictions on freedom of the press, the publication of books and artistic creation, and delays and difficulties in exercising the right to freedom of association, including the right to form political parties. Information on freedom of association and expression in books and other media was consistent with the administrative laws and regulations described by Iranian officials during the interviews.

472. In explaining the powers and functions of certain officials, government representatives provided information which made it possible to regard as plausible the allegations that there were delays in the authorization of political parties, that artistic and literary creation was subject to prior authorization and that expressions of ideas took place in an atmosphere of uncertainty. The Government should consider the possibility of eliminating any kind of prior authorization in respect of expressions of ideas in general and of artistic creation in particular, on the understanding that, if such expressions did constitute criminal offences, it would be the responsibility of the courts, to try and punish the offenders a posteriori.

473. It should be noted that the laws governing political parties in particular and associations in general, contain provisions which in theory refer to the safeguarding of the Constitution and moral and religious principles, but whose practical effect is that associations whose objective is political propaganda and participation in electoral activities or the protection of human rights are not legally recognized. There is also no clear-cut distinction between the activities of the members and the activities of the associations and, consequently, there is a tendency to confuse the responsibility of individuals and the responsibility of associations which have been authorized or are being formed. There is also no legal remedy in the event of excessive delays in decision-making or when the administrative authorities question the lack of or irregularities in compliance with legal requirements.

474. The positive measures adopted by the Government include: (a) the replies to many allegations which were communicated to it and which are reproduced in extenso in the present report; (b) the favourable outcome in a number of cases submitted by the Special Representative for consideration on humanitarian grounds; (c) the periodic adoption of clemency measures which benefit both ordinary prisoners and political prisoners; (d) the release of seven of the signers of the so-called "Letter by the 90"; and (e) the decree of 31 December 1990, which requires a defence lawyer to be present at all stages in criminal proceedings, including the investigation stage, which makes no distinction between ordinary, revolutionary, military and ecclesiastical courts and which decides that proceedings in which no defence lawyer has been present are to be declared null and void.

475. The Iranian Government has continued to provide replies to the allegations communicated to it. In January 1991, replies were received concerning most of the allegations contained in the interim report. The Special Representative considers it useful to continue the exchange of explanations with the Government in order to supplement and clarify the information on the alleged acts and situations and thus be able to arrive at specific conclusions whenever possible.

476. The Government acknowledged 113 executions between the first and second visits. Calculations based on the gathering of information broadcast on the

official radio indicate that about 500 persons were executed between January and October 1990. The second visit had barely ended when Iranian radio reported further executions. The media reportedly announced several dozen executions in January 1991. It is also known that some missing persons were in some way linked with executed persons and their disappearance is thus a matter of concern to their families and friends.

477. According to the information received, most of the executions concern persons accused of drug trafficking and the others are for ordinary offences of various kinds and political offences. The study of Iranian legislation clearly indicates that, because there are no gradations in the penalties for various types of criminal involvement and as a result of very general wording, the death penalty tends to be applied on a large scale. The adaptation of the legislation to technical criminal law criteria might considerably reduce the application of the death penalty and make it genuinely exceptional, as required by international instruments. In paragraph 2 of its resolution 45/173, the General Assembly called upon the Government to intensify its efforts to comply with international instruments on human rights, including the International Covenant on Civil and Political Rights. The Special Representative recalls that his own point of view is that the death penalty should be totally and fully abolished, although he expresses this very personal opinion without prejudice to recognition of the fact that, for the time being, the international instruments in force allow the application of the death penalty in exceptional cases.

478. Executions in the Islamic Republic of Iran continue to go beyond the narrow limits within which the International Covenant on Civil and Political Rights allows the application of capital punishment. Some of the previous reports of the Special Representative referred to the number of executions as indicating that the limits in question are being exceeded. The number in this case is an indirect element of appreciation because, when the number reaches the hundreds, it may be assumed that effect is not being given to the international principle that the death penalty should be imposed exceptionally and only in respect of the most serious crimes.

479. The information received in 1990 included some cases of terrorism reported by members of the Organization for Defending Victims of Violence and other persons who travelled to Geneva to offer their testimony or wrote to the Special Representative from the country or from abroad. This information is reflected in the interim report and in the present report. The Special Representative reiterates his belief that terrorism is a form of political struggle which must be eradicated for legal, humanitarian and even political reasons and which should be condemned in all its manifestations.

480. The Iranian authorities made it possible to hold interviews with 14 prisoners, some of whom had been convicted and others of whom were under investigation on charges of espionage. Chapter IV contains a summary of the conversations with the prisoners. The Special Representative considered at the time and continues to consider that the persons who were arrested after having signed an open letter in which they called for the implementation of some articles of the Constitution and criticized economic policy are prisoners of conscience. Official reports confirm that seven of the persons arrested have been released. The Special Representative objected to the prisoners being put before television cameras, particularly while the charges are being investigated. It may generally be considered that the trial of 23 signers of

the so-called "Letter by the 90" is a test case for the application of the rules of due process. International opinion concerning the investigation and trial of the signers of the letter will be based on the principles of criminal law applied, the evidence and its evaluation by the courts and the application of the rules of due process. In its latest resolution on human rights in the Islamic Republic of Iran (45/173), the General Assembly reiterated its appeal to the Government to intensify its efforts to investigate and rectify various issues, in particular as regards the administration of justice and due process of law.

481. The Special Representative has encouraged acceptance of visits by the International Committee of the Red Cross to Iranian prisons. The Government has officially informed that organization that it has decided to allow it to visit the prisons and all prisoners without distinction or exception, i.e., political prisoners and ordinary prisoners. The General Assembly welcomed this decision of the Government of the Islamic Republic of Iran. On 24 October 1990, ICRC submitted a draft agreement to the Government in accordance with its standard practice. At the time of completion of the present report, no specific agreement had been reached on this important matter.

482. For the first time, information has been received in recent months on the persecution of Christian Evangelical groups. An Evangelical minister was executed recently and, after that, the group concerned decided to bring its situation, which it claims is years old, to the attention of international bodies in charge of the protection of human rights. These cases have been communicated to the Government of the Islamic Republic of Iran for its reply.

483. The situation of followers of the Baha'i faith continues to be uncertain, given the unequal treatment they receive in different provinces and cities, depending on the ideas and temperament of individual officials. No reports of executions have been received in recent months. There do not appear to be any exception to the prohibition on admission to universities and there have been very few exceptions to refusals to grant legal recognition to inheritance rights, since information has been received on only two cases in which inheritance rights were legally recognized. The report includes information obtained from many documents signed and sealed by administrative authorities of various ranks who deny followers of the Baha'i faith enjoyment of the same rights as other citizens. Most passport applications by Baha'is are rejected or shelved and only about 12 per cent of applicants receive their travel documents. This is why an appeal should be made to the Government to grant equal treatment, without exception, to all citizens, including followers of the Baha'i faith. The General Assembly requested the Government to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in international instruments (resolution 45/173).

484. During his second visit to the country, the Special Representative talked in private homes to people unconnected with the Government who lead a normal life and have no judicial or police problems. These people agreed to be interviewed after taking precautions to preserve their anonymity since they feared reprisals if it became known that they had given information about the human rights situation prevailing in the country. They said they feared mainly the activities of irregular groups and of Komiteh and Pasdarán agents who use intimidatory tactics. Other people interviewed at the United Nations Development Programme offices and the Esteghlal Hotel voiced the same fear.

485. The Special Rapporteur is grateful to the Government of the Islamic Republic of Iran and to its representatives abroad for their co-operation in respect of the fulfilment of his mandate, for submitting replies to the allegations communicated to him, for giving them the opportunity of having private talks with prisoners charged with serious offences and for the favourable solution of a number of humanitarian requests. The Government's co-operation with the Special Representative is on course and has reached its highest level, despite the critical tone of the reports and the repeated official indications of disagreement with the allegations and observations submitted.

486. The representative of the Government of the Islamic Republic of Iran criticized the assertion in the interim report to the effect that international monitoring of human rights in the Islamic Republic of Iran should continue and again raised the question of the termination of the mandate. This was the culminating point in the talks with the Permanent Representative of the Islamic Republic of Iran in Geneva. The Permanent Representative repeated that international monitoring should be concluded, first, because it was selective, in other words, it was applied to Iran while neighbouring countries which were known to have engaged in systematic violations of human rights were not subjected to monitoring and, second, because human rights are not violated as a matter of routine. The identification of the criteria for extending or suspending international monitoring was discussed and is referred to in the letter from the Permanent Representative dated 5 February 1991 and contained in chapter II of this report.

487. In the letter dated 5 February 1991 (see para. 7 of this report), the Permanent Representative of the Islamic Republic of Iran in Geneva alluded to the so-called criteria which, in his view, the Special Representative should use as the basis for his conclusions concerning the continuation of the international monitoring of the human rights situation in the country.

488. Two of the four criteria mentioned in the letter are irrelevant in this context: the possibility that the Islamic Republic of Iran should become a model country for human rights and the fact that some countries elude international monitoring even though the infringements of human rights that occur in them are known. With regard to the Islamic Republic of Iran becoming a model country for human rights, the Special Representative referred to this possibility in a conversation a very long time ago, and it was meant as a maximum objective suggested to the Government and certainly did not mean that, in his view, a country would have to become a model in order to be exempted from international monitoring. As for the countries whose human rights situations should be subjected to international monitoring, the Special Representative was voicing a very personal opinion in the course of discussions. He never said that international monitoring should be indefinite, since he had written in his reports that, by its very nature, international monitoring was temporary. The fact that a number of countries that ought to be under supervision are not is an interesting topic for debate, but the decision in that regard lies with the Commission on Human Rights and does not affect the human rights situation in the Islamic Republic of Iran, since it neither makes it better nor worse.

489. Two of the four criteria are relevant, albeit under specific terms and conditions and with certain modifications. The first indicates that "The Special Rapporteur makes that conclusion on the basis of the report" and the second states that "Response by Iran to the recommendations and replies to the allegations is the basis for such conclusion". These two criteria may be applied in order to formulate an opinion on the point under consideration, although neither of them functions independently or absolutely and, consequently, it cannot be asserted that this or that criterion "is the basis for such conclusion". What is involved are concurrent criteria. A study of the reports clearly identifies the viewpoint of the Special Rapporteur on the circumstances which, in his judgement, lead one to the conclusion that it is appropriate to continue international monitoring.

490. When concluding this report and as mentioned in chapter II, the Special Rapporteur received a formal request from the Iranian Government to give special attention to the situation of displaced persons, of victims of indiscriminate bombardments and raids with chemical weapons during the late war with Iraq, as well as the situation of the millions of foreign refugees who are still in the country. The Special Representative wishes to point out that these issues fall essentially within the sphere of international humanitarian law and are therefore not central to his mandate. However, it would be extremely useful for the Special Representative to have the opinion of the Commission in this regard.

491. The enormous number of complaints received from very diverse sources, including independent sources even after discounting errors and exaggerations, provide a credible factual basis for the belief that human rights violations occur in the country. It would be desirable for the Government to study these cases and to adopt appropriate measures to prevent and remedy them. The General Assembly called upon the Government to intensify its efforts to investigate and rectify the human rights issues raised by the Special Rapporteur (45/173, para. 2).

492. The Special Representative is of the opinion and belief that there are arguments in favour of extending the international monitoring of the situation of human rights in the Islamic Republic of Iran with the objective of assuring, through co-operation, criticism, international public opinion and measures adopted by the Iranian authorities, that Iranian legislation, administration and practice are brought fully into line with the international instruments in force.

493. On the basis of the aforementioned information, the Special Representative, as in previous reports, ventures to make a number of recommendations. To avoid misunderstandings, it is appropriate to define the scope of the Special Representative's recommendations. The recommendations are addressed to the Government and the competent bodies of the United Nations. The Special Representative states opinions and cannot act as a substitute for the Government, the General Assembly or the Commission on Human Rights, whose respective attributions include decision-making powers. It is for them to consider the recommendations and decide on them.

494. The Special Representative wishes to state that, in his view, it would be appropriate to adopt the following measures:

(a) The Government should take immediate action to reduce drastically the application of the death penalty, and, while technical reforms are being introduced into penal legislation, clemency and the right of pardon should be exercised broadly;

(b) Just as the penalty of flogging is being gradually replaced by a fine or imprisonment, consideration should be given to replacing the penalties regarded by the international organizations as forms of torture, including stoning and amputation;

(c) The Government should be urged to initiate forthwith or to speed up the pace of legislative and administrative reform to make national institutions compatible with the international human rights instruments, beginning with the introduction of technical reforms to penal legislation, as well as to introduce remedies to make moral and economic redress effective and to assign responsibility for abuses or excesses of power;

(d) The Government should carefully supervise the enjoyment of equal rights and equal treatment for all citizens, regardless of their political opinions or their religious beliefs;

(e) The Government should be urged to take, immediately and urgently, effective measures to establish a climate of confidence and legal certainty in institutions to enable citizens to express themselves without fear or intimidation;

(f) The Government should take care to apply the rules of due process of law, including the notification of charges immediately after arrest, public trials and the assistance of a defence lawyer, as well as the prevention of ill-treatment and torture during investigation of offences and during imprisonment, since, in addition to having suitable legislation, care must be given to its implementation, as misuse nullifies the best laws;

(g) A specific agreement should be concluded soon with the International Committee of the Red Cross so that prison visits may be carried out regularly and without exceptions;

(h) The legal functioning of independent organizations should be authorized, including political organizations and organizations that seek to defend human rights;

(i) The prior examination of books and forms of artistic creation in general should end;

(j) Measures should be adopted to guarantee genuine freedom for the media and journalists should enjoy full guarantees for their professional activities;

(k) Compensation should be granted to persons affected by violations of human rights or to members of their families.

(l) Officials, employees and agents should be instructed specifically to apply laws and administrative decisions forthwith and to maintain direct contacts in police and judicial matters; they should be informed that they have an obligation to conform in their behaviour to international principles

and standards on human rights and to refrain, inter alia, from taking initiatives that are outside their legal powers and that they must avoid any action which may be regarded as intimidatory and which may create doubts about the normal operations of the institutions;

(m) The investigation of the allegations transmitted to the Government should be pursued and, as a practical outcome of the investigations, agents or officials who have taken extra-legal initiatives or violated human rights should be brought to trial;

(n) Measures of clemency for persons convicted of various offences should continue to be granted and should be extended in scope, particularly in the case of persons sentenced to capital punishment and for persons sentenced for political offences;

(o) The human rights teaching programme should go ahead, as far as possible with the technical assistance of the United Nations Centre for Human Rights.

Annex I

NAMES AND PARTICULARS OF PERSONS ALLEGEDLY EXECUTED IN THE ISLAMIC REPUBLIC OF IRAN, SUPPLEMENTARY TO THE LISTS CONTAINED IN PREVIOUS REPORTS OF THE SPECIAL REPRESENTATIVE

Surname	First name	Date	Place
Adibi	Syrousse Gholam Reza	1988	Gohardasht
Afghani Dazeky	Manocher		Kermanshar
Akbari-Kurdistani	Kassra	09.1988	Gohardasht
Alizadeh	Mahmoud	1988	Gohardasht
Amir Ansari	Hamid	1990	
Anik	Gol-Ali	1988	Gohardasht (sec. 7)
Arian	Heshmatollah	1988	Gohardasht
Assadolahi	Rahim	1988	
Azali	Reza	1988	
Azarang	Said	1988	Evin
Baba-Nejad	Sattar	1988	Gohardasht
Bakati	Reza	1988	Gohardasht (sec. 7)
Barazandeh		19.11.1990	Gachsaran
Barazandeh		19.11.1990	Gachsaran
Bazarghan	Bidjan	1988	Gohardasht (sec. 7)
Behkish	Mohammad-Ali	09.1988	Gohardasht
Behkish	Mahmaud	09.1988	Gohardasht
Behzadi	Manoutchehr	1988	
Bestareh	Reza Abasse	1988	Gohardasht (sec. 7)
Binai	Khalil	09.1988	Gohardasht
Dade-Marzi	Faradjallah	1988	Gohardasht (sec. 7)
Dade-Marzi	Faradjallah	1988	Gohardasht (sec. 7)
Dalili	Mohammad-Reza	09.1988	Gohardasht
Danesh Shariatte-Panahi	Ahmad	1988	Evin
Darvish-Kohan	Sohila	1988	Evin
Daryabari	Mohammad	1988	Evin
Dashi-Arra	Hassan	1988	Evin
Davaran	Manssour	1988	Gohardasht
Davari	Gholam-Ali	09.1988	Gohardasht
Delidjani	Mohssen	09.1988	Gohardasht
Djodat	Hassan	1988	

Surname	First name	Date	Place
Dyanak-Shouri	Mohammad Hassan	1988	Evin
Dyawat	Fatollah	1988	
Edrissian	Ahmad	1988	Gohardasht (sec. 7)
Eskandari	Ali-Reza	1988	Evin
Eslami	Samad	1988	Evin
Esmail-Zadeh	Saber	13.11.1990	Tehran
Esmail-Zadeh	Saber	13.11.1990	Tehran
Galam-Bar	Hussein	1988	Evin
Ghaem-Abadi	Djavad	09.1988	Gohardasht
Ghanbari	Bahmin	09.1988	Gohardasht
Ghandi	Sasan	09.1988	Gohardasht
Ghassem-Nejad	Hussein	1988	Gohardasht (sec. 7)
Ghorban-Nejad	Houshangue	09.1988	Gohardasht
Golpaygani	Mohammad-Reza	1988	Evin
Habab	Akhar	1988	Gohardasht (sec. 7)
Habab	Akhar	1988	Gohardasht (sec. 7)
Hadi-Mohssen	Amir-Hussein	1988	Gohardasht (sec. 7)
Hadi-Mohssen	Amir-Hussein	1988	Gohardasht (sec. 7)
Hadj-Malleki	Eshagh	1988	Gohardasht (sec. 7)
Hadj-Malleki	Eshagh	1988	Gohardasht (sec. 7)
Hadjari-Bedjestani	Abasse	1988	
Hakimi	Nalehoda	1988	Gohardasht (sec. 7)
Ham-Djavar	Firouz	1988	Gohardasht
Hassan-Pour Shirazi	Ebrahim	09.1988	Gohardasht
Heydari	Mohammad	19.11.1990	Gachsaran
Heydari	Mohammad	19.11.1990	Gachsaran
Houshyari Khalil	Khalil	09.1988	Gohardasht
Husseiny-Nedjad	Mohssen	1988	Gohardasht (sec. 7)
Hydari-Zadeh	Ahmad	1988	Gohardasht
Karami	Mohammad	1988	Gohardasht (sec. 7)
Keshavarz	Massoud	10.1990	Karaj's Qezel
Keshavarz	Massoud	10.1990	Karaj's Qezel
Khademi		19.11.1990	Gachsaran
Khademi		19.11.1990	Gachsaran

Surname	First name	Date	Place
Khan-Darabi	Mahmoud	03.10.1990	Kermanshah
Khan-Darabi	Mahmoud	03.10.1990	Kermanshah
Khatib	Abolhassan	1988	Evin
Khatibi	Akhar	09.1988	Gohardasht
Kompany	Morteza	09.1988	Gohardasht
Kyai	Ali-Reza	09.1988	Gohardasht
Kyhan	Mehdi	1988	Evin
Lahidjanian	Mohammad-Djavad	1988	Gohardasht (sec. 7)
Lahidjanian	Mohammad-Djavad	1988	Gohardasht (sec. 7)
Langaroudi			
Lotfollah Zadeh	Khalil	1988	Evin
Mahboub	Assghar	1988	Gohardasht (sec. 7)
Mahboubian	Ali-Assghar	1988	Gohardasht (sec. 7)
Mahmoudi	Sassan	1988	
Mahshid	Kyvan	1988	Evin
Manbari	Madjid	1988	Gohardasht (sec. 7)
Masouri	Gholam Reza	02.1990	Arak
Masouri	Gholam Reza	02.1990	Arak
Mehraban	Nader	1988	Gohardasht (sec. 7)
Mizani	Faradjolah	1988	Evin
Moazemi	Reza	1988	Gohardasht
Mohamd-Zadeh	Saber	1988	
Mohebi	Ali	1988	Gohardasht
Moini	Hybatollah	1988	Evin
Montazeri	Hamid	1988	Evin
Morad-Pour	Band-Ali	1988	
Mostavafi	Kyvan	1988	Gohardasht (sec. 7)
Nadjafi-Shoushtari	Manssour	1988	Gohardasht (sec. 7)
Nasseri	Davood	04.1990	Tehran
Nasseri	Davood	04.1990	Tehran
Nazemi	Amir Houshang	1988	
Panahi		13.11.1990	Tehran
Panahi		13.11.1990	Tehran
Partovi	Mohammad-Ali	1988	Evin

Surname	First name	Date	Place
Pejman	Asadollah	1988	
Pourhorhozan	Mohamma[illegible]	1988	
Radjab-Zadeh	Mohssen	1988	Gohardasht (sec. 7)
Rahimi	Mohammad	1988	Gohardasht (sec. 7)
Rahmanian	Javad	10.1990	Jahrom
Rahmanian	Javad	10.1990	Jahrom
Razm-Dydeh	Assef	1988	Evin
Reza'i	Ahmad	19.11.1990	Gachsaran
Reza'i	Mohammad	19.11.1990	Gachsaran
Reza'i	Ahmad	19.11.1990	Gachsaran
Reza'i	Mohammad	19.11.1990	Gachsaran
Rezaian	Rassaul	1988	Gohardasht (sec. 7)
Rezaian	Rassaul	1988	Gohardasht (sec. 7)
Rouze-Dar	Adel	1988	Gohardasht (sec. 7)
Sacllini	Akhar	1988	
Sadrai-Eshkouri	Ali	1988	
Safavinia	Hussein	09.1988	Gohardasht
Salahshour	Davood	10.1990	Tehran
Salahshour	Davood	10.1990	Tehran
Salehi	Fariborz	1988	Evin
Saleiman-Nejad	Mohammad-Mehdi	17.08.1988	Zahedan
Sassani-Pake	Mehdi	1988	
Shaabani	Ali	09.1988	Gohardasht
Shafii Khazaneh	Mojtaba	1990	
Shahbazi	Djalil	1988	Gohardasht (sec. 7)
Shahbazi	Ali	09.1988	Gohardasht
Shahbazi	Djalil	1988	Gohardasht (sec. 7)
Shahbukhari	Seyyed Mohammad Ali	12.11.1990	
Shahbukhari	Seyyed Mohammad Ali	12.11.1990	
Shahssavand	Nasser	09.1988	Gohardasht
Soodmand	Hossein	03.12.1990	Mashad
Taheri	Amauche	1988	Evin
Tallai	Hassan	1988	Gohardasht (sec. 7)
Tallai	Hassan	1988	Gohardasht (sec. 7)

Surname	First name	Date	Place
Taqavi-Yeganeh	Moussa	19.11.1990	Gachsaran
Taqavi-Yeganeh	Moussa	19.11.1990	Gachsaran
Tashaiod	Ali-Reza	1988	
Taymouri	Gholam-Ali		Gohardasht
Taymouri	Bahram		Gohardasht
Taymouri	Darvish-Ali		Gohardasht
Taymouri	Haydar		Gohardasht
Taymouri	Yahya		Gohardasht
Taymouri	Gholam-Ali		Gohardasht
Taymouri	Bahram		Gohardasht
Taymouri	Darvish-Ali		Gohardasht
Taymouri	Haydar		Gohardasht
Taymouri	Yahya		Gohardasht
Tebabati	Mohammad-Reza	1988	
Vatan-Khah	Esmail	1988	Gohardasht (sec. 7)
Zarshenass	Kyoumarsse	1988	Evin
Zomoradian	Ali-Reza	1988	Evin

Annex II

NAMES AND PARTICULARS OF PERSONS ALLEGEDLY EXECUTED IN THE ISLAMIC REPUBLIC OF IRAN. GOVERNMENTAL REPLIES TO THE LIST CONTAINED IN THE INTERIM REPORT TO THE GENERAL ASSEMBLY (A/45/697, APPENDIX I)

Reference*	Surname	Name	Date	Place
--	A'yar	Ali Fathe		Babol
--	Abbas-Ali	Ravanipoor	05.02.1981	
01	Abedini	Esmaiel	1981	
03	Abrandi		1988	Evin prison
--	Adibi	Mahmoud	1984	
18	Afsari	Ali	1982	
--	Afshar	Masaumeh		
--	Afshari	Ezat	1981	
--	Afshari	Ali		
--	Aghaei	Hamid	1982	
14	Aghai	Ahad	01.1990	
--	Ahmad Pour	Mohammad		Birjand
--	Ahmadi-Nejad	Saeed	1989	
01	Ahmadi-Nezhad	Saed	1989	
--	Ahmadian	Bizhan	1985	Babol
17	Ahmady	Khosrow	1981	
01	Ahmady	Fariba	09.1988	
08	Ahmady	Mohammad	09.1988	
01	Ahmady	Farahnaz	09.1988	
11	Ahmady	Mansour	09.1988	
--	Ahrari	Leyla	1981	
--	Aimyari	Abdolmajid	1988	
--	Akbarzad-Yousefi	Nasser	1981	Tabriz prison
--	Alami	Mahnaz	08.1981	
--	Alamzadeh	Batoul		
08	Alemi	Mohammad-Reza	1981	
--	Alemi	Mohammad-Hadi	1981	
--	Ali	Seyed	01.1990	
12	Ali-Nejad	Abdolghader	25.07.1988	
--	Alian-Nezhad	Mehri		Bandar-Gaz
--	Alidoust	Masoud	1988	

Reference*	Surname	Name	Date	Place
17	Alipour	Hosein	19.02.1990	Sabzevar
19	Ameli	Ali	1982	Evin prison
--	Amendi	Vahid Mohammadi	19.02.1990	Tehran
--	Amin	Saleh		
--	Amirapanahi	Hossin		Evin prison
01	Amiri	Abdollah	19.02.1990	Karaj
08	Anari	Ali Asghar	1981	
--	Arak Sadeghi	Balakhan	19.02.1990	Arak
07	Ashar	Akbar Esna	1988	
--	Ashrafi	Maryam Sadrol	1981	
01	Ashtari	Mehrad	08.1987	
--	Ashtiyani	Sadegh		
--	Azah	Hamid	1981	
05	Azimi	Kaveh	08.1989	
--	Azzani	Farzaneh	1984	
--	Bahadori	Kianoosh	1983	Mased Soleiman
--	Bahman	Mashalah	1981	
01	Bahrami	Ahmad	19.02.1990	Boushehr
--	Bakhshali	Mehdi		
03	Bakhtiari		04.1990	Sanandaj
--	Banafsheh	Ali Ousati	1989	
04	Barash	Mohsen	1983	Tonekabon
--	Baseri	Ali	1982	Tehran
08	Bashiri	Mansour	19.02.1990	Tehran
17	Bazargan	Bijan	09.1988	
--	Bazazan	Hossin	1981	
--	Behdarvand	Parvin	1982	
--	Behnani	Assadolah	1983	Tehran
--	Belivand	Kumars	1982	
--	Birany	Ali Reza	1981	Ardbil city
17	Bladi	Rogheyeh	15.12.1983	
--	Bolur-Forush	Mehdis	04.1990	Sanandaj
06	Bordbari	Ali	1984	
--	Bordbari	Reza	1984	
--	Borghei	Mehdi		
17	Chegini	Hassan		

Reference*	Surname	Name	Date	Place
--	Cheragh-Disi	Jamal	04.1990	Sanandaj
04	Dadgar	Esmaeel	1983	Esfahan
--	Dahangiri	Yafar	12.1988	
--	Danesh	Mohammad-Amin	12.01.1986	Iranshahr
05	Darabi	Sayeed	1981	Moshar
--	Darabi	Saman	1982	Hamedan
--	Darabi	Mehrdad	1989	Boroujerd
06	Darvishi	Mahmoud		
--	Daryaii	Mohammad-Hosein	1988	
--	Dehchi	Nader	19.02.1990	Tehran
01	Dehghan	Gita	1981	
--	Derakhanfar	Mehrdad	08.1989	
18	Dinkhah	Hamid	1988	Ourmieh
14	Doulatabadi	Mahmoud	1984	
--	Dowlat-Abadi	Mohammad-Darab	19.02.1990	Arak
--	Dowlatzehi	Besmellah	19.02.1990	Tehran
--	Ebrahim-Abadi	Salatin	19.02.1990	Sabzevar
--	Ebrahimi	Azizollah	1989	Boroujerd
01	Edulati	Parviz	1981	Tehran
--	Eezad-Khah Kermani	Massoud		
12	Eliasi	Nemat		Tonekabon
08	Esfahanian	Mojgan	1981	Evin prison
01	Esmaieli	Javad		
--	Etemadi	Tazzebeh	1989	Evin prison
--	Fadaii	Mohammad		Meshed prison
--	Fadee	Jamshid		Masjed Soliaman
--	Fadee	Mehrdad		Masjed Soliaman
07	Fanny	Ebrahim	1981	
12	Farahmand	Mohammad	1988	Adelabad prison
--	Farahmandian	Javad	1981	
--	Farahmandian	Esmat	1981	
--		Farhad	1988	
01	Farhangi-Sabet	Katayoun	19.02.1990	Sari
--	Fat'Hi	Nader	04.1990	Sanandaj
08	Gaffarian	Iray	1983	
--	Ghafoury	Mohammad Sadegh	19.09.1981	

Reference*	Surname	Name	Date	Place
--	Golzadeh			
--	Ghajar Azdonloo	Masomeh	10.1982	
--	Ghanamati	Mostabah	1989	
--	Ghavami	Mousa	1988	
--	Gholam Reza	Klakjory	1988	
--	Golijan-Moghadam	Fardin	1984	Tonekabon
01	Golijan-Moghadam	Ali	1984	Tonekabon
--	Golzar	Gholamossein	02.1990	
--	Golzar	Gholamhassan	02.1990	
08	Gorbani	Hussein	1981	
04	Goreishi	Saman	1981	Bandar, Abbas
--	Hadadan	Isa	1983	Zanjan city
--	Haddadi	Mohammad-Saiid	1988	
--	Hadidi	Arya	07.1981	
04	Hadipour	Babak	1981	
--	Haffari	Ali-Akbar	19.02.1990	Tehran
--	Haj-Mohsen	Hosein	1988	
04	Hamini	Daryoush		
--	Hamzeii	Ali	19.02.1990	Arak
--	Hariry	Majid	1981	Rasht
01	Hariry	Massoud	1982	Evin prison
--	Hariry	Shohreh	1981	Rasht
--	Hariry	Mansoor	1988	Gohar-Dasht
05	Hassani	Mahmoud		
08	Hassani	Ahmad		Birjand
--	Hassein	Azimi		Birjand
--	Hayati	Tazzebeh	1989	Evin prison
--	Hedayati	Zia		Qahaem Shar
--	Heidari	Jorsumeh		
05	Hejatalah	Gholamy	1984	
--	Hematti	Mashaa'llah		Hamedan
03	Heydar-Fakouri	Seyyed	19.02.1990	Sabzevar
--	Hojabre	Cyrous	1981	Suary
--	Hojabre	Seemin	1981	Tehran
10	Hoseini	Ai	27.03.1988	
19	Hoseini	Farideh	25.07.1988	

Reference*	Surname	Name	Date	Place
13	Hossaini	Hossain		
12	Hossein	Mohammad	08.1981	
07	Hosseinpour	Hossein	06.1981	
--	Hosseinzadeh-Arabi	Susan	14.09.1989	City of Rasht
--	Hossieni	Seid Saleh	04.1990	Sanandaj
--	Hydasi	Amir	06.09.1981	
11	Izadshenas	Mehdi		
08	Jabarzadeh	Rasoul	1988	
--	Jafari	Mehdi	1985	
--	Jahan-Biglari	Kamyar	1981	
--	Jahangiri	Mohammed-Gholi	1981	
--	Jahangiri	Abolgasem		
--	Jahangiri	Mahin	1981	Semiron
--	Jahanian	Hamid	1981	Evin prison
19	Jahanshahi	Seyed Gholam Reza		
--	Jalal	Layghy	1984	
01	Jalali	Naser	04.1990	Sanandaj
--	Jalisi	Mehidael		
08	Javan	Vahid Kaki	1982	
01	Javani	Fridon	1985	Evin prison
--	Javazadeh	Ali		
--	Kaikavousi	Farideh		
--	Kaissi	Abbas	28.03.1990	Seistan
--	Kalangari	Mahmod	10.09.1984	
--	Kalat-Gharbi	Mohammad-Reza	19.02.1990	Sabzevar
08	Kargar	Sina		Evin prison
08	Karimi	Asghar		Ramsar
--	Katozian	Sadegh		
08	Kazem	Assadi		
--	Kha-Kermani	Naahed	09.1981	
--	Khabbazi	Mostafa		
01	Khakbaz	Ahmad		
01	Khakbaz	Ahmad		
11	Khanian	Reza	02.1990	
--	Khakbazi	Ahmad		Ghasem-Abad

Reference*	Surname	Name	Date	Place
--	Khatibani	Mohammad R.	24.05.1984	Soum'e Sara
--	Kheradmand	Zakieh	1989	Adelbad
--	Khor	Hosein	1989	Evin prison
12	Khosravi	Nabiolah	1982	
07	Kiaie	Massoud		Evin prison
15	Latif	Mozhgan	1989	Evin prison
--	Madadi	Hosein	1983	
03	Madani		1989	Tonekabon
--	Mahjoub	Mehdi	1988	
--	Mahmodi	Aref	1988	Adel Abad
12	Mahmoudi	Abbas-Ali	19.02.1990	Tehran
01	Makvandi	Mahmood	20.06.1981	
08	Makvandi	Bijan	1988	
--	Maleki	Maryam	1988	
11	Maleki	Jamshid		Aligoudarz
--	Maradi	Ghavam	1982	
--	Marandi	Hasan Jafarzadeh	12.1981	Vazin Gaid
--	Marzban	Fahimeh	1981	
--	Mashkouri		1989	Ramsar
--	Mashoüf	Javad	1988	
07	Masoumi	Hamid-Reza	1989	Boroujerd
13	Massoumi	Mahmoud	1985	
--	Mazji	Bahieh	1988	
--	Mehrizi	Ghassem		
--	Meshkinfam	Shokrollah	1981	Mash
--	Meshkinfam	Shokrollah	1988	
--	Meshkini	Sedigeh	1982	
11	Mir-Arab	Amir	1988	
15	Mofarrahi	Saeed	1984	Khoy
--	Mogharrabian	Parvaneh		Bandar-Gaz
18	Moghrazi	Ali		Birjand
07	Mohamadi	Ahmad	04.1990	Sanandaj
--	Mohamedi	Akber	1981	
16	Mohammadi	Abdollah	19.02.1990	Bakhtaran
05	Mohammadian	Reza	1989	Tonekabon
--	Mohkami	Ali Asgar	13.10.1982	

Reference*	Surname	Name	Date	Place
--	Mohseni	Ali Reza		
--	Moini	Mohammed		
--	Mojaher	Ali		
14	Mojtabaie	Fakhri	1988	
01	Molavi	Jalal		Hamedan
--	Moradi	Masoud		Masyide-Soleiman
--	Moradi	Ali Ashraf	04.1990	Sanandaj
--	Morsaley	Jaffar	1981	
06	Morshed	Ali	19.02.1990	Sabzevar
--	Mosanna	Ali	19.09.1981	
--	Motaghi-Talab	Amir	1983	Rasht
01	Motahayeri	Mansour		
--	Motahhedin	Saeed	03.08.1981	
--	Mousavi	Enayatollah	19.02.1990	Tehran
--	Moussavi	Hashem Madadi		
--	Murteza	Lebas	1984	
07	Mussavi	Mohssan	1981	Sarri
08	Naddafian	Iraj	1989	Ramsar
--	Naderi	Manouchehr		Evin prison
--	Naderi	Ziaoddin	1988	
--	Najjaran	Ebrahim	1988	Gohardasht
--	Najjarian	Ali-Reza	19.02.1990	Boushehr
03	Namvar	Sgagruar	1984	Tonekabon
--	Naroui	Mohammad K.	28.01.1990	
16	Narouyi	Houshang	19.02.1990	Tehran
--	Nasser	Barariy	1984	
15	Nassirian	Zari		
--	Nazari	Abdol Mohammed		
--	Nazarzadeh	Mohammad Hosein	1984	
01	Nazemi	Zahra	1988	
01	Negarestani	Javad	19.02.1990	Kerman
19	Negarestani	Mashaallah	19.02.1990	Kerman
13	Nemati	Moussa	19.09.1988	
12	Nemovi	Abbas	01.1984	
07	Nilou	Akbar	02.09.1981	
08	Othman Pour	Mohsen	04.1990	Sanandaj

Reference*	Surname	Name	Date	Place
--	Pahlevandoo	Mohammad Rezh	1982	Mashhad
--	Parrar	Ahmar		
11	Parsiana	Majid		
17	Parvaneh	Abolghasem	1981	Ramsar
--	Parvizi	Ahmad	04.1990	Sanandaj
18	Pastegar	Reza		
--	Peerhadi	Hossin	1982	Evin prison
15	Piri	Ali	19.02.1990	Tehran
--	Poladi	Hadi	1988	
11	Qadaksaz	Rahim		
--	Rafati-Mogadam	Nahid	01.1982	Tehran
--	Rafati-Mogadam	Hanen	1984	
--	Rafeie	Mohammad	19.02.1990	Arak
--	Rahim	Saide	1981	
05	Rahimi	Ahmad	1981	Ramsar
03	Rahimian		1981	Ramsar
03	Rahimian		1981	Ramsar
03	Rahimian		1981	Ramsar
01	Rahmani	Ezatollah	19.02.1990	Karaj
--	Rahmati	Marzieh	09.09.1988	
05	Rajabi	Massoud	07.1982	
14	Rajai	Ali Reza	1989	Gohardasht
08	Rajavi	Nasrim		
--	Ramshani	Astollah		
16	Ranjbar	Mohammad	19.02.1990	Rasht
--	Ranjbaran	Amanollah	1982	Evin prison
--	Ranjbaran	Amanollati	1982	Evin prison
--	Ranjbaran	Aman-Allah	07.08.1981	
--	Rashed-Marandi	Fariba		
--	Razhi	Ahmad-Janghi	28.03.1990	Seistan
--	Reza	Falanik	1984	
--	Rezai	Sardar	1985	Evin prison
--	Rezai	Fazed		
--	Rezaie	Yarali		Qorgan
11	Rezaiian	Behrouz	1988	
--	Roknama	Afagh	1989	Evin prison

Reference*	Surname	Name	Date	Place
--	Roudgari	Ezzat		
--	Roudgari	Nemat		
03	Roya		04.1990	Sanandaj
--	Rozaii	Mohamad	04.1990	Sanandaj
--	Sadaghi	Hasan	1988	
--	Sadegh	Mohammad		
--	Sadeghi	Balakhan	19.02.1990	Arak
01	Sadeghi	Rahman		
17	Sadeghi	Jamshid	1989	Tonekabon
01	Sadeghi	Yousef	1981	
12	Sadeghpour	Hamed		Birjand
--	Sadehgi	Parvin	1981	North
04	Sadigh	Habib	1989	Ramsar
--	Safaran	Mohsen	1983	Evin prison
08	Safatian	Hosein	1989	Ramsar
08	Saferi	Khamran	1988	Gohardasht
01	Saferi	Gholam		Gohardasht
--	Saffaran	Hassan		
--	Saffaran	Hassan	11.1989	
--	Safiden	Namor	1984	
11	Saghar	Massoud	1985	
--	Salali	Saeed	04.1985	
--	Samad-Nosrati	Hosein	19.02.1990	Qom
17	Sedaghat	Mohamadtaghi	1988	
11	Seyedi	Majid		
--	Shaabani	Fraidoon	15.04.1984	Adel Abad
--	Shademani	Sosan	1981	Rasht
--	Shah-Abadi	Mahin	19.02.1990	Tehran
--	Shah-Mansouri		1981	Ramsar
03	Shahi	Ali Reza Shahroukh	1984	
--	Shamsin Isfahan	Syavoush	1981	Bandar, Abbas
--	Shapor	Irantalap	1984	
19	Shariati	Anvar	04.1990	Sanandaj
01	Shekarnezhad	Washaallah		
11	Shirmohammedi	Davood	1989	Evin prison

Reference*	Surname	Name	Date	Place
06	Shirvani	Shiva		
--	Shojaie	Nasrin	1988	Sfahan jail
04	Shojaie	Mehran		
--	Shokraneh	Sorraya	1981	
--	Sobhani	Naser	04.1990	Sanandaj
--	Soleimani	Ali-Asghar		Aligoudarz
07	Sotoudeh	Tahmineh	1989	Evin prison
--	Sulemani	Nozrat	1981	
04	Suliki	Behruz	1981	Semiron
15	Taati-Asil	Masoud	1988	Evin prison
--	Taavoni-Ganji	Amir	11.1989	Evin prison
--	Tadainia	Homan	1981	
--	Taherpour	Bahram	1988	
--	Tajalli	Hossein	1982	
--	Tashayyod	Ali Reza	1988	Tehran
17	Tasslimi	Abdolfazl	1981	
--	Tavakol	Mohesn	1984	
16	Tavanian	Mariam	1989	
--	Tazehkandi	Ali Reza	01.1990	
--	Teherani-Pour	Hosein	1989	Karaj (Gohardasht)
--	Torabi	Farah	08.1982	Evin prison
11	Torkpour	Gholam R.	1988	
--	Vahabi	Farah	1989	Evin prison
11	Valizadeh	Habib	08.1988	Rasht
01	Vedadinya	Habibollah	19.02.1990	Tehran
--	Vosoghian	Mehdi	06.1981	
--	Yeganegi	Mehdi	06.1981	
04	Yelivand	Ali		
--	Yosof	Feizola	1983	Shiraz
14	Yousef-Taleshi	Narollah	1981	Ramsar
--	Zakeri	Mostafa	1981	Tehran
--	Zandi	Reza	08.1981	
07	Zeinali	Jahangir		

*01: Persons allegedly executed who are studying in Iranian universities.

02: Names duplicated in the report.

03: Names are incomplete and were not found in the Islamic Republic of Iran.

04: Persons who are working in different organizations of the Islamic Republic of Iran.

05: Persons who have died due to natural causes.

06: Persons who were terrorists and murderers and who were executed in 1981 and 1982. They were sentenced to death by the courts. Unfortunately, most of these individuals were influenced by the deceptive slogans of the rivals of the Islamic Republic of Iran and committed acts of terrorism and destructive activities, including the murder of innocent people.

07: Persons who achieved martyrdom while confronting the Revolution's enemies.

08: Persons imprisoned because of their opposition towards the Islamic Republic of Iran and who were released from prison later on.

09: Persons who have never been arrested, although the Mojahedin organization alleged that they were executed in 1981-1982 and the Special Representative listed them as executed in 1988-1989.

10: Persons who died in street clashes and clashes with border troops.

11: Persons who are studying abroad.

12: Persons who are held as prisoners of war in Iraq.

13: Persons who were missing in action during the war and on whom there is unfortunately no information due to lack of co-operation by the Iraqi authorities.

14: Persons allegedly executed who live and work in the Islamic Republic of Iran.

15: Persons who had to undergo military service, but in order to escape from this holy duty have sought shelter in foreign countries.

16: Persons who have been imprisoned for various reasons.

17: Persons who, after being released from prison, have escaped to foreign countries.

18: Persons who were killed in armed clashes with military forces on the border areas between Iran and Iraq and Iran and Afghanistan.

19: Persons who were members of the Mojahedin Khalq organization and who were killed in clashes with troops of the Islamic Republic of Iran on the Bakhtaran border in 1988. These persons were trained for military and terroristic operations.

--: No governmental reply.

Annex III

GOVERNMENT REPLIES TO THE LIST OF PRISONERS HANDED TO THE DEPUTY MINISTER OF FOREIGN AFFAIRS ON 9 OCTOBER 1990

The Government of the Islamic Republic of Iran provided, on 22 January 1991, the following information on the fate or whereabouts of the following prisoners:

		Reference*
1.	Jamshid Amiri-Bigvand	04
2.	Bahman Agahy	06
3.	Hooshang Amjadi Bigvand	04
4.	Ardeshear Ashraf	06
5.	Manochehr Azar	02
6.	Masoud Deadehvar	02
7.	Kyanoosh Hakeamy	06
8.	Bahram Ikany	03
9.	Heshmatolah Magsoody	03
10.	Gahraman Malekzadeh	03
11.	Masoud Payaby	03
12.	Ali Reza Nasiri	02
13.	Noureddine Kianouri	04
14.	Meriam Feirouz	04
15.	Jamshid Torabi	02
16.	Ahmad Rashed-Marandi	01
17.	Reza Arbabi	02
18.	John Pattis	04
19.	Mohamadreza Sedaghat	02
20.	Addol Ali Bazargan	06
21.	Ezzatollah Sahabi	02
22.	Reza Sadr	02
23.	Hussein Bani Assadi	06
24.	Shams Shahshahani	06
25.	Nour Ali Tabandeh	02
26.	Yadollah Chamse Ardallan	06
27.	Ali Ardalan	06
28.	Rochan Ardalan	01
29.	Farhad Behbahani	02
30.	Abbas Ghaem Sabahi	02

		Reference*
31.	Khossro Mansourian	06
32.	Hashem Sabaghian	06
33.	Ezatollah Hamed Sahabi	06
34.	Mohammad Tavassoli	06
35.	Akbar Zarrinehbaf	06
36.	Habib Davaran	06
37.	Naim Pour	02
38.	Amir Tavakol Ebrahimi	06
39.	Hossein Shah Hosseini	02
40.	Nezamedine Movahed	06
41.	Mahmoud Maleki	06
42.	Hormoz Momayezi	06
43.	Said Sadr	06
44.	Hamid Sadr	06
45.	Khosrow Parsa	02
46.	Ahmad Shayegan	02
47.	Mahmoud Habibi	02
48.	Shahin Parsa	02
49.	Azar Sadr	06
50.	Davoud Mir Rahimi	01
51.	Mrs. Zamani	01
52.	Mr. Jafarpour	01
53.	Ahmad Rohdaki	01
54.	Khalil Ghiassi	01
55.	Davoud Moyafar	06
56.	Mohammad Aminal Reaya	01
57.	Nader Afshari	02
58.	Dr. Assadi	01
59.	Manouchehr Motahari	02
60.	Norouz Naghizadeh	01
61.	Ahmad Bastan	06
62.	Mohammad Dehghán	02
63.	Hussaingholí Roshanzamir	06
64.	Bakhshullah Missághí	06
65.	Kayván Khalajábádí	06
66.	Behnám Missághí	06

		Reference*
67.	Azizullah Mahjoor	02
68.	Habibulláh Hakimí	02
69.	Náder Rouhaní	02
70.	Badíulláh Sobhání	02
71.	Dr. Mitra Ameli	02
72.	Dr. Fatemeh Izadi	02
73.	Ms. Fatemeh Hosseinzadeh-Tussi Moghadam (known as Giti Azareng)	02
74.	Ms. Malakeh Mohammadi	02
75.	Ms. Zohreh Ghaeni	02
76.	Ms. Nahid Dorudiahi	06
77.	Ms. Fatemeh (Zohreh) Sadigh Tonekaboni	02
78.	Ms. Hura Fuladpour	02
79.	Ms. Manijeh Riazi	02
80.	Ms. Afsaneh Khavar	02
81.	Ms. Mahboubeh Kohzadi	02
82.	Ms. Mahin Khosravi	02
83.	Mr. Roger Cooper	04
84.	Mr. Ahmad Rezaire Fard	02
85.	Ms. Monir Khosroshahi-Baradaran	01
86.	Ms. Farideh Mahmood Mohammad Zamani	01
87.	Mr. Framarz Mahmood Mohammad Zamani	01
88.	Mr. Farsheed Mahmood Mohammad Zamani	01
89.	Mr. Amir Houshang Kamrani	06
90.	Mr. Mansour Taheri	01
91.	Ms. Maryam Taleghani	01
92.	Mr. Bahram Alai-Khastou	01
93.	Mr. Seyedmehdi Nasry	05
94.	Ms. Sakineh Sedaghat	06
95.	Mr. Ali Sedaghat	06
96.	Mr. Abbas Raini	01
97.	Mr. Ezatollah Sahabi	06
98.	Ms. Narges Akbari-Namdar	01
99	Mr. Rahim Akbari-Namdar	01
100.	Ms. Jamileh Akbarzad-Yousefi	01
101.	Dr. Bozoo Bagha'i	06

		Reference*
102.	Mr. Esmail Movassaghian	01
103.	Mr. Faramarz Ahmadian	01
104.	Mr. Saeed Taati-Asil	02
105.	Ms. Faezeh Sabet-Jahromi	02
106.	Mr. Ebrahim Nebahat	06
107.	Mr. Mohammad-Taghi Rahimpour	06
108.	Mr. Rajab Bayram-Zadeh	01
109.	Ms. Ezzat Habibkhani	01
110.	Ms. Mahim Towfighi	01
111.	Ms. Shahrzad Mahdavi	01
112.	Ms. Farkhondeh Zanjanpour	01
113.	Ms. Sousan Gorji-Sefat	01
114.	Ms. Lilik Hakoopian	01
115.	Ms. Fatema Shafii	02
116.	Ms. Akhtar Tahmasbi	02
117.	Ms. Mahin Batmani	01
118.	Ms. Shokoofeh Ali-Gholi	02
119.	Ms. Farkhondeh Tagharsi	06
120.	Ms. Mahin Ghaffari	01
121.	Ms. Sadigheh Ahoumoshk	01
122.	Ms. Sadigheh Hashemi	01
123.	Ms. Nasrin Salimi-Badr	01
124.	Ms. Shina Jahan-Zad	01
125.	Ms. Maryam Nouri	06
126.	Ms. Mehri Sala...i	06
127.	Ms. Maryam-Banou Sepehri Rahnema	06
128.	Ms. Minou Naseri	06
129.	Ms. Mina Vatanpour	02
130.	Ms. Mahvash Keshavarzi	02
131.	Ms. Mansoureh Ghanbarpour	01
132.	Ms. Bahareh Taghanian	01
133.	Mr. Ghadam Khayyer-Nasiri	01
134.	Ms. Shahin Samii	01
135.	Ms. Shahla Talebi	01
136.	Ms. Maryam Ghazi	01
137.	Ms. Razieh Ghoreishi	01

		Reference*
138.	Ms. Homa Ipikchi	01
139.	Ms. Taheri Samadi	01
140.	Ms. Katazoun Baghaii	06
141.	Ms. Parivash Torshizian	02
142.	Ms. Mahdokht Hashemi	01
143.	Ms. Esmaieli Afrasiab	01
144.	Mr. Mehdi Knosh Slook	01
145.	Ms. Mehri Knosh Slook	01
146.	Mr. Khalid Ali Karimi	01
147.	Ms. Mona Abdi	01
148.	Ms. Narges Ghanbari	01
149.	Mr. Mohammad Hassan	06
150.	Mr. Tofygh Setayeshi	01
151.	Mr. Ali Reza Sadeghi	01
152.	Mr. Davod Azizy	01
153.	Mr. Mohammad Tala Poor	01
154.	Mr. Homaoun Najafi	01
155.	Mr. Norasc Karami	01
156.	Mr. Sanjabe Asghar	01
157.	Mr. Atahay Ali Reza	02
158.	Mr. Sandabi Hamid	01
159.	Mr. Mohsen Farin	01
160.	Mr. Parvin Farzin	01
161.	Mr. Mohammad Mehdi Bladi	01
162.	Mr. Lebas Murteza	01
163.	Mr. Layghy Jalal	01
164.	Mr. Falanik Reza	01
165.	Mr. Gholamy Hejatalah	01
166.	Mr. Irantalap Shapor	02
167.	Mr. Ammary Mahmed	01
168.	Mr. Barariy Nasser	06
169.	Mr. Namor Safiden	01
170.	Mr. Mohamad Salihi	01
171.	Mr. Hasan Asady	02
172.	Mr. Rohalah Ramazani	01
173.	Mr. Jafar Trabparhizi	01

		Reference*
174.	Mr. Adel Saiidi	06
175.	Mr. Iraj Kafashpour	01
176.	Mr. Mahdokht Mohamadi Yadeh	01
177.	Mr. Mahmoud Akbari	01
178.	Mr. Lotfali Mir Sorow	01
179.	Mr. Panahandeh Mohammadi	01
180.	Mr. Mohsen Mohammadi Zadeh	01
181.	Mr. Ali Reza Babel	01
182.	Mr. Mahmoud Faroukh Manesh	01
183.	Mr. Reza Hausheki	01
184.	Mr. Mahmood Bakshai	01
185.	Mr. Gram Rondari	01
186.	Mr. Ali Reza Masondifar	01
187.	Mr. Mohammadali Morshedi	01
188.	Mr. Mahmood Tajgardan	01
189.	Ms. Zahra Felahati	06
190.	Mr. Morteza Ghadiyani	01
191.	Mr. Gholam Reza Mirzani	01
192.	Mr. Jawad Ramany	01
193.	Mr. Kamel Nadery	01
194.	Mr. Kazem Karimabadi	01
195.	Mr. Souhrab Afhady	01
196.	Mr. Farokh Djonaidie	01
197.	Mr. Ghasem Daryabaghi Azad	01
198.	Mr. Ali Hessaraky	01
199.	Mr. Davoud Rezaie	01
200.	Mr. Shahab Nouzary	01
201.	Mr. Mohamad Shajerdi	01
202.	Mr. Mohammad Taghi Rahimpour	01

*01: The names of these persons were not identified.

02: The persons were released from prison.

03: These persons were executed under the verdict of court.

04: These persons are still in prison.

05: There are no judicial records on these persons.

06: There is no governmental reply concerning these persons.